Arizona Pollutant Discharge Elimination System
(AZPDES)

FACT SHEET

Construction General Permit (CGP) for
Stormwater Discharges
Associated with Construction Activity

March 2020

Permit Number
AZG2020-001

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2020 Construction General Permit (CGP) – Fact Sheet

Contents

I. **Introduction: New Requirements for Construction Sites with Stormwater Discharges**

Background.

Operators of construction sites disturbing one or more acres of land or smaller sites that are part of a common plan of development or sale are required to obtain Arizona Pollutant Discharge Elimination System (AZPDES) permit coverage for stormwater discharges. Since 1992, the US Environmental Protection Agency (U.S. EPA) has issued a series of stormwater Construction General Permits (CGP) that provide permit coverage in states where U.S. EPA is the permitting authority. The Arizona Department of Environmental Quality (ADEQ) received authorization to administer the NPDES program in Arizona on December 5, 2002 and issued its first, five-year CGP in February 2003. Subsequent permits were issued in 2008 and 2013.

Technology-Based Effluent Limitations Guidelines and Standards in NPDES Permits.

On March 16, 2014, the U.S. EPA finalized amendments to the Construction and Development Effluent Limitation Guidelines. These requirements include non-numeric effluent limitations that apply to all permitted discharges from construction sites (40 CFR 450.21). The effluent limitations are structured to require construction operators to:

a) First, prevent the discharge of sediment and other pollutants through the use of effective planning and erosion control measures; and

b) Second, to control discharges that do occur through the use of effective sediment control measures.

Operators must implement a range of pollution control and prevention measures to limit or prevent discharges of pollutants, including those from dry weather discharges as well as wet weather (i.e., stormwater).

The non-numeric effluent limitation guidelines are designed to prevent the mobilization and stormwater discharge of sediment and sediment-bound pollutants, such as metals and nutrients, and to prevent or minimize exposure of stormwater to construction materials, debris and other sources of pollutants on construction sites. In addition, these non-numeric effluent limitations limit the generation of dissolved pollutants, such as nutrients, organics, pesticides, herbicides and metals that may be present naturally in the soil on construction sites, such as arsenic or selenium, or may have been contributed by previous activities on the site such as agriculture or industrial activity. These pollutants, once mobilized by rainfall and stormwater, can detach from the soil particles and become dissolved pollutants. Once dissolved, these pollutants would not be removed by down-slope sediment controls. Source control through minimization of soil erosion is therefore the most effective way of controlling the discharge of these pollutants.

The Construction and Development Effluent Guidelines were introduced in the 2013 CGP and continue in the 2020 CGP as follows (see 40 CFR 450.21):

a) Erosion and sediment controls;

b) Site stabilization control;

c) Dewatering requirements;

d) Pollution prevention measures; and

e) Surface outlets.

Section 3.0 in the 2020 CGP discusses these five non-numeric effluent limitations in more detail.

Electronic Reporting. In December 2015, the U.S. EPA published the final regulation (40 CFR Parts 9, 122, 123, 124, 127, 403, 501, and 503) that requires electronic reporting and sharing of program information instead of using the current paper-based reporting of this information. This action will save time and resources for permittees, states, tribes, territories, and the U.S. This regulation will also help provide greater clarity on who is and who is not in compliance and enhances transparency by providing a timelier, complete, more accurate, and nationally-consistent set of data about the NPDES/AZPDES programs.

In order to meet the requirements of the electronic reporting and sharing rule (e-reporting rule), ADEQ has implemented myDEQ, the e-Permitting/e-Compliance Online Portal. myDEQ offers the Regulated Community a digital solution to better assist them in meeting their environmental priorities and responsibilities with an easy online tool. As a myDEQ user, you can:

- Submit Notices of Intent (NOIs) online at your convenience, 24/7
- Instantly receive an NOI Certificate and confirmation emails (unless a stormwater pollution prevention plan is required)
- Submit a Stormwater Pollution Prevention Plan (SWPPP)
- Submit Discharge Monitoring Report (DMR)
- Receive DMR email reminders so you never miss a deadline
- Easily update your information

As of June 1, 2017, ADEQ no longer accepts paper applications for Stormwater Construction General Permit (CGP) NOIs, DMRs or NOTs.

II.1 Coverage Under This General Permit (Part 1.0)

ADEQ develops and issues general permits to cover multiple facilities (or sites) within a specific category, industry or area. The vast majority of discharges associated with construction activity are covered under the AZPDES construction stormwater general permit (CGP). General permits simplify the process for dischargers to obtain authorization to discharge, provide permit requirements for any discharger that files a notice of intent to be covered, and reduce the administrative workload for ADEQ. All general permits are issued by ADEQ after an opportunity for public review of the proposed general permit. The accompanying fact sheet describes the rationale for permit conditions. Arizona's 2020 CGP was developed by ADEQ, with stakeholder input, through a series of stakeholders' meetings between July and October, 2019.

Typically, to obtain authorization to discharge under an AZPDES general permit, an operator submits to ADEQ a Notice of Intent (NOI) to be covered under the general permit. An NOI is not a permit, but a process form for obtaining general permit coverage. By submitting the NOI, the discharger acknowledges that it is eligible for coverage under the general permit and that it agrees to the conditions in the published general permit. Discharges associated with the construction activity are authorized consistent with the terms and conditions established in the general permit.

After reviewing information regarding permit eligibility contained in the NOI, ADEQ has the authority to notify a construction site operator that it is required to apply for an individual permit, on a case-by-case basis, if ADEQ determines that the operator does not meet the conditions for coverage. A situation that might trigger such a determination would be that the proposed discharge has the reasonable potential to cause or contribute to an exceedance of an applicable water quality standard. In some cases, ADEQ may allow the operator to proceed with coverage under the general permit provided additional control measures designed to address the specific issue at hand are adopted. Additionally, operators have the option to apply for an individual permit. See 40 CFR 122.28(b)(3).

To apply for coverage under the 2020 Construction General Permit, the operator is required to develop a site-specific Stormwater Pollution Prevention Plan (SWPPP) describing how the permit conditions will be met and to submit a Notice of Intent (NOI).

II.1.1 Permit Area (Part 1.1)

This general permit covers the state of Arizona, except for Indian Country. ADEQ does not have authority for discharges in Indian Country. Operators in these areas must pursue permitting through the appropriate tribal permitting authority. Where there is no approved tribal program,

U.S. EPA Region 9 remains responsible, consistent with its trust authority for implementing and enforcing the NPDES program in Indian Country.

II.1.2 Eligibility (Part 1.2)

Any construction project that has stormwater discharges associated with construction activity, in accordance with 40 CFR Part 122.26(b)(14)(x) and (15), is eligible for coverage under the 2020 CGP.

Construction activity in this permit includes:

- Clearing, grading, excavating, stockpiling of fill material, or other similar activities resulting in one or more acres of land being disturbed.
- Clearing, grading, excavating, stockpiling of fill material, or other similar activities that will disturb less than one acre of land, but the construction activities are part of a larger common plan of development or sale, and the entire project will ultimately disturb one or more acres.
- On-site and off-site activities directly supporting the construction project (such as construction materials or equipment storage or maintenance, soil piles, and borrow areas).
- On-site and off-site industrial activities directly related to the construction process *(e.g., concrete or asphalt batch plants)*.
- Construction activities on federal lands and federal projects (excluding Indian Country lands).
- Construction activities that disturb less than one acre, or meet other potential exemptions in this permit, may be “designated” and required to obtain permit coverage based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.
- Clearing, grading, and excavation activities being conducted as part of exploration and construction phase of mineral mining operations if one or more acres of land is disturbed.

The following activities do not require coverage under this permit:

- Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the construction site and that disturbs less than five acres. By definition, maintenance projects are expected to be short-term and involve minimal mass grading.
- Construction activities such as interior remodeling, completion of interiors of structures, etc.
- Routine activities that are part of the normal day-to-day operation of a completed site *(e.g., daily cover for landfills, maintenance of gravel roads or parking areas, landscape maintenance, etc.)*.
- Re-paving roads if the sub-grade is undisturbed.
- Construction activities under a State or Federal reclamation program to return an abandoned site to an agricultural or open land use.
- Construction activity that disturbs less than one acre and is not part of a larger common plan of development that disturbs more than one acre, unless designated as discussed in the above section.
- Geotechnical, environmental, and archeological explorations if those activities collectively disturb less than one acre.

Common Plan of Development. A "larger common plan of development or sale" is:

1. A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one project plan. Examples include:

    a) Phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners *(e.g., a development where lots are sold to separate builders)*;

    b) A development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and

    c) Projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same construction site.

    For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, the construction activity would still be part of the common plan of development and subject to stormwater permitting requirements if the smaller plots were included on the original site plan. A larger common plan of development or sale also applies to other types of land development such as commercial shopping areas, and industrial parks.

2. Where there is any documentation or announcement (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, etc.) that links the separate construction activities or project phases together under a common project plan.

If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

Coverage under a Separate AZPDES Permit. Part 1.2 states that ineligible discharges (generally, wastewater or non-stormwater) must be addressed in another manner: apply for a separate Arizona Pollutant Discharge Elimination System (AZPDES) permit, cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this (2020 CGP) permit. The permit option could be either the AZPDES De Minimis General Permit or an individual AZPDES permit.

By definition, 'De Minimis" discharges contain relatively low levels of pollutants, with a limited flow and/ or frequency, and having a short-term duration. The De Minimis General Permit (DMGP) allows for the discharge of pollutants associated with potable and reclaimed water systems, subterranean dewatering, well development, aquifer testing, hydrostatic testing of specific pipelines, residential cooling water, charitable car washes, building and street washing, and dechlorinated swimming pool water. Authorization under the DMGP requires the permittee to implement various control measures, and in many cases to conduct discharge monitoring based on the type of discharge activity and the type of receiving water. More information on the DMGP is available at www.azdeq.gov.

Several allowable non-stormwater discharges are listed in Part 1.3(2) and do not require separate De-Minimis general permit coverage.

Individual Permit Requirements. When the activity does not conform to the general permit requirements or if ADEQ determines that the discharge is a significant contributor of pollutants, an individual AZPDES permit may be required so that permit conditions can be customized to the site. See A.A.C. R18-9-C902(A).

Likewise, any discharger may request to be covered under an individual permit rather than seek coverage under an otherwise applicable general permit. See A.A.C. R18-9-C902(B).

See A.A.C. R18-9-B901 for the requirements for an individual permit application and issuance or denial.

II.1.3 Authorized Discharges (Part 1.3)

The term "discharge", means when used without qualification, any addition of any pollutant to surface waters or to a MS4 from any point source. This includes additions of pollutants into surface waters from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

The term "outfall," means a "*point source"* as defined by 40 CFR 122.2 at the point where a construction site discharges to surface waters or to a Municipal Separate Storm Sewer (MS4).

Part 1.3 lists categories of stormwater discharges that are allowed under the 2020 CGP, provided that all applicable permit limits and conditions are met. The list is subdivided into allowable stormwater and non-stormwater discharges. Allowable Stormwater Discharges include such discharges as stormwater runoff, snowmelt runoff, surface runoff and drainage and stormwater discharges from construction support activities. Stormwater discharges from construction support activities *(e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)* provided:

a. The support activity is exclusively and directly related to the construction site required to have permit coverage for stormwater discharges;

b. The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects;

c. The support activity does not continue to operate beyond the completion of the construction activity at the project it supports; and

d. Stormwater controls are implemented in accordance with Parts 3.1 through 3.8, for discharges from the support activity areas.

Part 1.3(2), Allowable Non-stormwater Discharges lists the non-stormwater discharges that are allowed under this permit. However, operators are prohibited from discharging any non-stormwater from their construction sites to an outstanding Arizona water (OAW). Additional requirements may apply if the site is located within 1/4 mile upstream of an impaired or not-attaining water. Any discharges not included on the list are prohibited from coverage under this permit.

Appropriate control measures are required on allowable non-stormwater discharges, in accordance with Part 3 of the permit. In addition, the SWPPP (Part 6.3) must list all of the allowable non-stormwater discharges that are expected to be associated with the project's construction activities and describe the control measures used.

II.1.4 Prohibited Discharges (Part 1.4)

Part 1.4 lists the types of wastes and other pollutants that operators are prohibited from discharging from a construction site. All five of the following discharges are addressed in the U.S. EPA 2017 CGP and are also prohibited by this permit:

1. Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 3.5;

2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 3.5;

3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

4. Soaps, solvents, or detergents used in vehicle and equipment washing; and

5. Toxic or hazardous substances from a spill or other release.

Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

II.1.5 Limitations of Coverage (Part 1.5)

1. Post-Construction Discharges.

   This permit covers only the construction phase of the project. Once final stabilization is achieved and a Notice of Termination is filed, discharges are no longer covered under this this permit. Sites requiring post-construction permitting must obtain coverage under a separate AZPDES permit.

2. Discharges Covered by another AZPDES Permit.

   Stormwater discharges associated with construction activities which are covered under an individual permit or discharges required to be covered under an alternative general permit are not authorized by this permit.

3. Discharges to Impaired or Not-Attaining Waters.

   This permit includes specific conditions to protect impaired and not-attaining surface waters.

   - An impaired water is a surface water that has been assessed as not-attaining a surface water quality standard for at least one designated use.

   - A not-attaining water is a surface water that has been assessed as impaired, but has not been placed on the 303(d) list because a TMDL has been prepared and implemented. See R18-11-601(11).

   ADEQ is scheduled to provide an updated list of waterbodies not meeting water quality standards to U.S. EPA for approval in each even-numbered year. This listing of impaired waters identifies each waterbody by name, stream reach or lake number, and watershed. The parameter(s) not meeting standards (i.e. causes of impairment) are also identified for each waterbody. Impaired waters are listed in Arizona's 303(d) Impaired Waters List and in the Water Quality Assessment (305b) Report, located on the ADEQ website at www.azdeq.gov.

   Tier 1 Antidegradation protection applies to surface waters listed on the 303(d) list for the pollutant that resulted in the listing (AAC R18-11-107.01). For these waters, a regulated discharge shall not violate a water quality standard and shall not further degrade existing water quality for the pollutant that resulted in the listing.

   Consistent with federal law, Arizona Administrative Code R18-11-107(B) specifically prohibits degradation of Tier I waters (where the existing water quality does not meet applicable surface water quality standards). If a permittee's discharge causes or contributes to non-attainment of standards, more effective and/or additional control measures must be added. If after the implementation of additional and/or more effective controls the discharge continues to contribute to nonattainment, the permittee shall cease all discharges under this permit and apply for coverage under an individual AZPDES permit.

   TMDLs – A total maximum daily load (TMDL) is the total amount of a pollutant a waterbody can receive from all sources and still meet surface water quality standards. TMDLs are written for waterbodies on the Impaired Waters List. Waters with TMDLs remain on the Other Impaired Waters List until the water quality is no longer impaired. Any discharge under this permit must be consistent with any applicable TMDL. Further, if

a TMDL specifically assigns a load allocation to a construction project or projects, the project must be authorized under an individual AZPDES permit.

4. Discharges to outstanding Arizona waters (OAW).

   This permit includes specific conditions to protect outstanding Arizona waters (OAWs) within the State of Arizona. An OAW is a surface water that has been identified by ADEQ as an outstanding water resource in accordance with A.A.C. R18-11-112.A list of OAWs can be found on the ADEQ website at www.azdeq.gov.

   No degradation of an OAW is allowed under the Surface Water Quality Standards rules. Thus, operators seeking authorization for discharge within 1/4 mile upstream of an OAW must demonstrate to ADEQ that the discharge will not degrade existing water quality in the downstream OAW. This demonstration is through submittal of the SWPPP documents, including the monitoring provisions specified in the permit.

5. Exempt Discharges.

   Activities/sites that are exempt from permit coverage include construction sites that disturb less than one acre (unless required by the Director), and routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a construction site.

   All persons operating under an exemption are expected to apply control measures and minimize pollution discharge from their sites, including stabilizing the site when they are finished. As the permit indicates, any activity that causes or contributes to a violation of surface water quality standards may lose exemption and be required to obtain coverage.

   Additional Condition for Exemption – Persons that are not required to file for permit coverage under this section shall operate exempt construction sites in a manner that minimizes pollutants in the discharges, including effectively stabilizing the site after completion of construction. In the event discharges from the site may cause or contribute to non-attainment of a surface water quality standard designated use, ADEQ may require the operator to obtain permit coverage. See A.A.C R18-9-A902(B)(8)(d).

II.1.6 Erosivity Waivers for Small Construction Activities (Part 1.6)

Some small construction sites may be eligible for an erosivity waiver from permit coverage. Waivers are only available for construction sites that:

1. Disturb between one and five acres;
2. Have a rainfall erosivity factor less than five;
3. Are not part of a common plan of development or sale;
4. Have outfalls that are more than 1/4 mile upstream from an OAW or impaired/not-attaining water; and
5. Are not designated for permit coverage by ADEQ.

To receive a waiver, the operator of a small construction activity must certify to a low predicted rainfall erosivity factor of less than 5 during the period of construction activity. The rainfall erosivity factor is based on Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997. The myDEQ Permitting/Compliance portal calculates the values based on operator input of locational data and dates for construction, using the EPAs erosivity calculator.

Filing an NOI and development of a SWPPP is not required, but the operator must manage the construction site in a manner that minimizes pollutants in discharges including implementing control measures that are protective of water quality.

Projects Which Extend Past Certified Period – The waiver authorization will indicate an ‘end date’ after which the waiver is no longer applicable. The end date is calculated and based on the locational and climate data that affect the erosivity factor calculation. If the project continues after this end date, the project was not eligible for the waiver and is in violation of the permit. The operator shall develop a SWPPP and file a NOI in myDEQ for permit coverage.

II.2 Authorization Under This General Permit (Part 2.0)

II.2.1 Responsibilities of Operators (Part 2.1)

All operators must review all the conditions and requirements of this permit before submitting any of the forms described in Part 2. All operators are required to obtain coverage for stormwater discharges associated with construction activity under this permit unless the discharge is covered by an alternative AZPDES permit. Operators must meet the following conditions before permit coverage will be authorized:

1. All operators. The applicant is an operator of the construction project for which discharges will be covered under this permit.

   For the purposes of this permit, an "operator" is any person associated with a construction project that meets either of the following two criteria:

   a. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

   b. The person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

   The definition of "operator" in (1) above is the definition that was included in the 2013 CGP. The person that meets the first part of the definition of "operator" (*a*) in most cases will be the owner of the site. The person that meets the second part of the definition of "operator" (*b*) in most cases will be the general contractor of the project. Where there are multiple operators associated with the same project, all persons meeting the definition of "operator" are required to obtain permit coverage. Subcontractors do not meet the definition of "operator", and therefore are not required to obtain permit coverage.

2. Multiple operators. When multiple operators are associated with the same project, all operators are required to obtain permit coverage. If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit provided that they develop a joint or common SWPPP, which documents which operator has responsibility for each requirement of the permit.

If an operator only has operational control over a portion of larger project *(e.g., one of four homebuilders in a subdivision)*, the operator is responsible for compliance with all applicable effluent limits, terms, and conditions of this permit as it relates to the activities on their portion of the construction site, including implementation of control measures described in the SWPPP. The operator must also ensure either directly or through coordination with other permittees that their activities do not render another person's stormwater controls ineffective. Part 6 of this fact sheet provides additional information on joint SWPPPs.

"Construction support activities" (as defined in Appendix A) must also have permit coverage, either under the owner/ operator, if they are the same entity as the operator of the main construction site, or separately, if the operator of a construction support activity is different from the operator of the main construction site. For example, if a construction support activity for the project is owned by a separate owner, and if the separate owner meets the definition of "operator", that person would be required to obtain permit coverage for discharges from the site where the support activities are located. However, if the construction support activity is owned or operated by the site operator, then the support activity must be included in the site operator's permit coverage, including any documentation provided in the NOI and SWPPP.

A construction project will need CGP coverage if the project will disturb one or more acres, or will disturb less than one acre but is part of a common plan of development or sale that will ultimately disturb one or more acres, or the project's discharges have been designated by U.S. EPA as needing a permit under 40 CFR Part 122.26(a)(1)(v) or 40 CFR Part 122.26(b)(15)(ii).

II.2.2 Prerequisites for Submitting a Notice of Intent (NOI) (Part 2.2)

A Notice of Intent (NOI) for a general permit is similar to a permit application, in that it is a request for AZPDES permit coverage and contains information about the proposed discharge. The NOI serves as the operator's notice to ADEQ that the operator intends the discharge to have coverage under the general permit. By signing and submitting the NOI, the operator is certifying that a Stormwater Pollution Prevention Plan (SWPPP) has been developed, that the discharge meets all of the conditions specified in the general permit, and that the operator intends to continue to meet those requirements. A Notice of Intent that contains fraudulent, misleading or erroneous information may invalidate permit coverage (see Appendix B, Subsection 9). An incomplete NOI delays permit coverage until such time as the NOI has been completed.

II.2.3 Submitting the Notice of Intent (NOI) (Part 2.3)

Like the 2013 CGP, the 2020 CGP requires any person who meets one or both of the criteria for an "operator" as specified in Part 2.1 to prepare and submit a complete and accurate NOI prior to commencing construction activities. The NOI form provides the information necessary for ADEQ to determine a construction operator's eligibility to discharge under the permit. Emergency-related projects are automatically authorized to discharge under this permit. In these situations, the NOI must be submitted within 30 calendar days after the commencement of construction activities.

Submitting the NOI Form. The operator shall submit a separate, accurate, and complete NOI to ADEQ for each construction activity that disturbs one or more acres of land, or for each activity that is part of a common plan of development or sale that will ultimately disturb one or more acres of land. NOIs must be submitted in myDEQ.

Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by ADEQ that the operator has met the eligibility requirements for the permit. Discharges are not authorized if ADEQ notifies the operator that further evaluation is necessary, or that the discharges are not eligible for coverage under this permit.

If the operator changes or another operator is added before construction activities are complete, the new operator shall also submit an NOI to be authorized under this permit before taking over operational control or commencing construction activities at the site. The NOI requires the operator to identify the location (by latitude and longitude) that stormwater may discharge or flow off of the construction site. The "outfall" is typically found at a low elevation point at the perimeter of the construction site, or at the point closest to a receiving water. A receiving water is a natural watercourse into which stormwater would flow in a storm event and includes dry washes, streams, tributaries, and other surface waters (such as designated canals). Man-made structures such as retention basins, storm sewer systems, or city storm drains are not receiving waters, but are conveyances that discharge to a receiving water.

Latitude and longitude for the discharge location of the construction site must be provided in myDEQ. Common tools to determine latitude and longitude include Global Positioning System (GPS) devices, topographic maps, or internet mapping sites. myDEQ also includes a mapping system for easily determining latitude and longitude. The latitude and longitude must be reported in decimal degrees format and must have at least six decimal places. For example, the latitude and longitude of the ADEQ building in Phoenix, in decimal degrees, is 33.449147, -112.087903. This information is critical for accurately locating the site, mapping it on state environmental maps, and for determining which provisions of this permit may apply.

For linear construction projects (projects which are typically longer than wide and have a basically uniform width) such as roadways, utility line and pipeline corridors, provide the latitude and longitude of the discharge location(s) as follows:

1. Where any portion of the construction site is within 1/4 mile upstream of any receiving water that is classified as an OAW or an impaired or not-attaining water, provide the coordinates closest to that receiving water.
2. With a single discharge location, provide the coordinates for the outfall location.

3. With multiple outfall locations, provide the coordinates at the mid-point of the construction activity length.

Identify the closest receiving water(s) to the site. If stormwater runoff could discharge to or reach more than one receiving water, list all receiving waters. Some receiving waters may be unnamed washes or tributaries.

Certificate of Authorization. Each person operating under this permit will receive an Authorization to Discharge with an Authorization Number when myDEQ processes Notice of Intent (NOI). The confirmation of coverage letter (Authorization Certificate) the operator will receive from myDEQ is not the permit - it merely acknowledges that the NOI has been processed by ADEQ and the operator is authorized to discharge subject to the terms and conditions of this general permit. Note that the assigned number is not the AZPDES Permit Number; rather, it is the authorization number (with the prefix "AZCN") and should be used in myDEQ and in all other correspondence with ADEQ. The actual permit number is AZG2020-001.

Modified NOI. Modifications to an NOI are only allowable in certain circumstances, such as updating a mailing address, changing the name of the contact person, or revising the location(s) of outfalls. All revisions must be completed in myDEQ. Please note the following requirements for revisions:

- ADEQ does not allow revisions to an NOI to change the latitude or longitude of a site, nor to change the acreage of the site if the land disturbance has already begun.
- ADEQ does not allow revisions to change or transfer an NOI to another operator. If operational control of a site changes, an operator must submit an NOT terminating coverage as specified in Part 2.6 of the permit.
- For change of operators, the new operator shall develop a new SWPPP, or may modify, certify, and implement the existing SWPPP if it continues to satisfy the requirements of the general permit, prior to submitting the NOI.
- If project extends beyond the estimated termination date on an NOI, it is not necessary to re-file or revise the NOI. Permit coverage will continue until an NOT is filed or the permit or permit coverage is revoked.

II.2.4 Fee Requirements (Part 2.4)

In accordance with A.A.C R18-14-109, the operator shall pay the initial AZPDES water quality protection services fee for coverage under this permit at the time the NOI is submitted. In addition, the operator shall pay the applicable annual fee when billed, unless a notice of termination has been submitted to ADEQ. The annual fee is due on the anniversary of the date the authorization certificate (see Part 2.3). Both fees are based on the amount of acreage identified in the NOI, in accordance with A.A.C. R18-14-109, Table 6.

II.2.5 Emergency-Related Construction Activity (Part 2.5)

Obtaining CGP coverage following the normal procedures is not feasible in situations requiring emergency-related construction. Provisions in Part 2.5 for emergency-related construction activity were new to the 2013 CGP and have remained in the 2020 CGP. With this provision, ADEQ intends to ensure that the authorization process does not interfere with emergency-related construction projects required to avoid endangerment to human health, public safety, or the environment (e.g., a natural disaster such as a tornado, hurricane, earthquake, flood or some similar event that creates widespread disruption in essential public services). Immediate authorization will enable operators of these projects to begin work immediately, and to postpone the NOI submission and SWPPP completion deadlines for 30 calendar days. Once the initial 30 calendar days has expired, however, this permit requires an operator to develop a SWPPP and submit a complete and accurate NOI for permit coverage. The operator must also provide documentation in the SWPPP that substantiates the occurrence of a public emergency (e.g.,

federal or state *disaster declaration or similar state or local declaration)*. If the construction activity is completed within 30 days, submittal of an NOI and preparation of a SWPPP are not required. However, documentation of the public emergency should be kept.

II.2.6 How to Terminate Coverage (Part 2.6)

To terminate permit coverage, the operator shall submit a complete and accurate Notice of Termination (NOT) in myDEQ. The operator is responsible for meeting the terms and conditions of this permit until the construction site's authorization is terminated. The operator may submit a NOT in myDEQ after the conditions below have been met.

Conditions for Terminating Permit Coverage. Each operator must submit a complete and accurate Notice of Termination (NOT) in myDEQ. Authorization to discharge terminates under this permit when the permittee submits the NOT in myDEQ and receives the termination acknowledgement certificate. The requirements in Part 2.6(1) provide operators with a list of all of the triggering conditions for terminating permit coverage. These conditions, as applicable, must be satisfied before an NOT can be filed and permit coverage terminated. They emphasize the importance of leaving the site not only stabilized, but also in a condition that no longer requires temporary stormwater controls or pollution prevention practices.

1. The operator has completed all activities at the site and, if applicable, on construction support activity areas covered by this permit (as defined in Appendix A), and the operator has completed the following:
    - For any areas that were disturbed during construction, are not covered over by permanent structures, and over which the operator had control during the construction activities, the operator has met the requirements for final vegetative or non-vegetative stabilization in Part 3.4;
    - The operator has removed and properly disposed of all construction materials, waste and waste handling devices, and has removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage;
    - The operator has removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following termination of permit coverage or those that are biodegradable; and
    - The operator has removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following termination of permit coverage; or
2. Another operator who has a valid authorization number under this general permit or an individual AZPDES permit has assumed control over all areas of the site that have not been finally stabilized (see Appendix B, Subsection 19);
3. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association) in accordance with Part 3.4(2);
4. The planned construction activity identified on the original NOI was never initiated (*i.e., grading was never started*) and plans for construction have been permanently abandoned or indefinitely postponed;
5. Coverage under an individual or an alternative general AZPDES permit has been obtained;
6. The operator has transferred control of all areas of the site for which the operator is responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit.

II.2.7 Change of Operator Request Due to Foreclosure or Bankruptcy (Part 2.7)

In rare circumstances, a lending institution will seize control of a permitted site through a foreclosure or bankruptcy. In such cases, the lending institution or person who takes operational control is responsible for the discharges from the construction site. Part 2.7 requires the new entity to submit an application for permit coverage within 30 days prior to taking control of the site if the construction site has not achieved final stabilization as defined in Part 3.4(2). This was added in the 2013 CGP to accommodate the economic down-turn during which construction, particularly the housing industry suffered losses. The 2020 CGP and the Change of Operator Request form contains the specific information and requirements related to this part.

III.3 Effluent Limitations and Surface Water Quality Standards Applicable to All Discharges from Construction Sites

Operators must minimize the discharge of pollutants from construction sites by satisfying the non-numeric effluent limitations at 40 CFR 450.21 and by using various controls and practices, which are outlined in detail in the following pages of this Fact Sheet. The permit contains requirements that specifically implement or incorporate each of the non-numeric effluent limitations in order to minimize the discharge of pollutants from construction sites. The sections listed below briefly discuss the permit requirements, and explain how the language is consistent with the non-numeric effluent limits of U.S. EPA's 2017 CGP.

III.3.1 Non-numeric Effluent Limitations and Associated Control Measures at Construction Sites (Part 3.1)

Part 3.1 organizes the stormwater effluent limitations in five major sections:

- Erosion and Sediment Control (Part 3.3);
- Site Stabilization (Part 3.4);
- Pollution Prevention (Part 3.5);
- Dewatering (Part 3.6); and
- Surface Outlets (Part 3.7).

The stormwater control requirements in Part 3 are the effluent limitations that apply to all discharges associated with construction activity eligible for coverage under this permit. The requirements in Part 3 generally apply the national effluent limitations guidelines and new source performance standards 40 CFR Part 450.

III.3.2 General Maintenance Requirements (Part 3.2)

Operators must carry out the general maintenance described in Part 3.2, "General Maintenance Requirements". These requirements apply to all control measures the operator may implement at the construction project site. The operator must ensure that all control measures remain in effective operating condition and are protected from activities that reduce their effectiveness during coverage. The permit also requires the operator to inspect all erosion and sediment controls, pollutant-generating activities and pollution prevention controls in accordance with the inspection requirements in Part 4.3, document any findings and conduct follow-up actions when appropriate in accordance with Part 4.4 and Part 4.5, respectively.

These maintenance requirements implement the C&D rule requirements to "… maintain effective erosion controls and sediment controls" at 40 CFR 450.21(a), "… maintain effective pollution prevention measures" at 40 CFR 450.21(d) and the NPDES requirement at 40 CFR 122.41(e) to "at all times properly operate and maintain all facilities and systems of treatment and control …" In terms of the deadlines for taking action to correct problems found during inspections, the permit distinguishes between those problems that are "easy fixes" and those that require more significant work to correct or that require the design, purchase, and installation of a new control.

Regarding erosion and sediment controls for instance, if during the inspection, the operator discovers that a portion of the site's perimeter controls have fallen down or been driven over, repairs to the control must be made by the end of the next work day. The same would be true if the operator finds that a sediment control *(e.g., sewer inlet control device, compost filter sock, check dam, silt fence, etc.)* requires routine maintenance to remove accumulated sediment so that the control will operate effectively during the next storm event. By comparison, if a more significant repair is required, such as the complete removal and replacement of a device, the permit gives the operator up to 7 days to correct the problem, or as soon as practicable to complete work if complying with the 7-day deadline is infeasible. However, in order to prevent

discharges of pollutants, the operator may have to implement temporary BMPs until the problem is corrected.

An example of maintenance of pollution prevention controls: during the inspection, the operator discovers that a trash container had been tipped over, leaving waste on the site; the permit would require that the waste be removed and placed in the appropriate container or otherwise disposed of immediately.

III.3.3 Erosion and Sediment Control Requirements (Part 3.3)

The specific sections of Part 3.3 require the site operator to design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from construction activities in accordance with 40 CFR 450.21(a).

Design Requirements. In the design of stormwater controls, operators are required to comply with the following general design requirements:

1. The following factors must be accounted for when designing stormwater controls:
    - The expected amount, frequency, intensity, and duration of precipitation;
    - The nature of stormwater runoff and all sources of run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at the site, stormwater controls must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream erosion; and
    - The range of soil particle sizes expected to be present on the site.
2. The operator is required to direct stormwater flows to vegetated areas of the site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Part 3.3, unless infeasible. Operators must use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

The purpose of requiring the design factors in (1) above is to identify specific factors that need to be accounted for in the design of stormwater controls installed at the site. It is important to consider precipitation characteristics so that construction activities can be planned during periods with a lower risk of precipitation and so that erosion and sediment control practices can be designed to convey and manage the precipitation that is expected to occur. The requirement to design stormwater controls to account for the nature of stormwater runoff and run-on on the site and to reduce peak flow rates and total stormwater volume is intended to minimize scouring and erosion caused by stormwater discharges from the site. The requirement to account for soil characteristics, such as particle size distribution, erosivity, and cohesiveness, is also important for selecting and designing appropriate erosion and sediment controls.

The requirement in (2) above reduces the discharge of sediment and other pollutants through filtration and infiltration by implementing the requirement at 40 CFR 450.21(a)(6). Operators can comply with this requirement by directing non-erosive flows leaving silt fences, filter berms, or other perimeter controls and sediment basins to natural buffers adjacent to streams or other vegetated areas on or adjacent to the property on which the construction activities will occur. These practices will help to prevent the formation of gullies and associated erosion. Examples of where it may be infeasible to direct discharges from stormwater controls to vegetated areas include those areas where pervious or vegetated areas within the project footprint are non-existent, such as in some highly urban areas or where re-directing drainage would violate a local ordinance or cause a nuisance.

Installation Requirements. Operators are required to comply with the following installation requirements:

1. Complete installation of stormwater controls by the time each phase of construction has begun, unless infeasible. By the time construction activities in any given portion of the

site have begun, unless infeasible, the operator is required to install and make operational any down gradient sediment controls *(e.g., natural buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection)* that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities. Following the installation of these initial controls, all other stormwater controls planned for this portion of the site and described in the SWPPP must be installed and made operational as soon as conditions on the site allow.

2. Use industry practices and follow manufacturer's specifications to install all stormwater controls in accordance with applicable design specifications.

The requirement in (1) above is to ensure that stormwater controls are installed and made operational to minimize pollutant discharges from the area of active disturbance. For example, prior to initial site clearing and grading activities, the operator will need to install perimeter controls, exit point controls, and, if applicable, storm drain inlet protections and natural buffers or equivalent sediment controls to control stormwater discharges from the initial disturbances. After this initial work is completed, the operator is required to install and make operational other controls, such as sediment traps or sediment basins, which are expected to treat stormwater during the remaining phases of construction. Where a project is conducted in phases, such as for a large-scale, road project, the requirement is to install such controls prior to commencing activities for the particular phase. After initial controls are installed, the operator is then required to install and make operational any remaining stormwater controls as conditions allow. The requirement to install stormwater controls prior to the initial earth-disturbance does not apply to construction activities associated with the actual installation of these controls.

There may be some situations where the installation of controls prior to the first construction activity is not feasible *(e.g., due to restricted space, etc.)*, in which case such circumstances must be documented and kept with the records.

The requirement in (2) above is included because stormwater controls will not be effective unless properly designed and installed. Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Additionally, where it is appropriate to depart from such specifications, the reasoning must reflect acceptable industry practices and must be explained in the SWPPP.

Run-on Management. Operators must divert run-on, or manage it on-site, if off-site areas direct stormwater flow onto the construction site. If stormwater conveyance channels are used, the channels must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Operators must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of velocity dissipation devices *(e.g., check dams, sediment traps, riprap, or grouted riprap at outlets)* within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

Sediment Basins and Traps. If an operator installs a sediment basin, the following requirements apply:

1. Design requirements

   - Provide sizing and calculation requirements for sediment basin(s) and indicate whether the basin(s) will be temporary or permanent;

     When discharging from the sediment basin, utilize outlet structures that will minimize the discharge of pollutants. This is typically accomplished by withdrawing water from the surface of the pond to minimize discharge of sediment.

   - Prevent erosion of the sediment basin using stabilization controls *(e.g., erosion control blankets)*, and the inlet and outlet using erosion controls and velocity dissipation devices; and

   - Sediment basins must be situated outside of surface waters and any natural buffer areas established under Part 3.3(7).

Operators of linear projects and drainage locations serving less than 10 acres may use smaller sediment basins or sediment traps and, at a minimum, must use silt fences or equivalent sediment controls for all down slope and appropriate mid-slope boundaries of the construction area.

2. Maintenance requirements

   Keep sediment basins and traps in effective operating condition and remove accumulated sediment to maintain at least 50% of the design capacity at all times.

   Sediment basins are often used on construction sites to minimize sediment discharges. They are typically placed at or near low points of drainage ways in order to temporarily detain stormwater discharges, allowing sediment particulates to settle. Sediment basins are also often designed to reduce peak flowrates, reducing downstream flooding and channel erosion. At the point of discharge, which is typically a pipe or channel, installation of riprap or other stabilization measures is often necessary because the concentrated discharge can cause erosion. Sediment basins are also often designed to reduce flow duration impacts by reducing the total volume of stormwater being discharged or by providing extended detention to reduce discharge rates.

3. Use of Cationic Treatment Chemicals

   Operators who plan to use cationic treatment chemicals (as defined in Appendix A) must comply with manufacturer's instructions, and the requirements this Part and of Part 6.3(9) of this permit. The use of polymers, flocculants, or other treatment chemicals to control turbidity in sediment basins at the construction site must be used in such a manner that it allows adequate settling time and minimizes or eliminates these chemicals in the discharge. Operators must document the use of such chemicals and the supporting rationale for their choice in the SWPPP (Part 6.3(9)).

   The following recommendations are provided as guidance for the handling and use of cationic treatment chemicals. U.S. EPA states in the preamble to the C & D rule that "based on the information in the record U.S. EPA has determined that when polymers are properly applied the risks of toxicity to aquatic life or adverse effects to the receiving water are minimal." Following the recommendations below should result in less chemical being used for treatment, thereby significantly lowering the chances for accidental releases, over-application and residual chemical being discharged. For further information, consult U.S. EPA's Fact Sheet for their 2012 CGP, which devotes considerable space to the discussion of the selection, proper use and the toxicity problems with cationic treatment chemicals.

   a. Use conventional erosion and sediment controls prior to and after application of treatment chemicals. Use conventional erosion and sediment controls prior to chemical addition to ensure effective treatment. Chemicals may only be applied where treated stormwater is directed to a sediment control prior to discharge.

   b. Select appropriate treatment chemicals. Select chemicals that are appropriately suited to the types of soils likely to be exposed during construction and discharged to locations where chemicals will be applied, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area.

   c. Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(e.g., spill berms, decks, spill containment pallets)*, or provide equivalent measures, designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(e.g., storing chemicals in covered area or having a spill kit available on-site)*.

   d. Comply with state/local requirements. Comply with relevant state and local requirements affecting the use of treatment chemicals.

e. Use chemicals in accordance with good engineering practices and specifications of the chemical vendor/supplier. Use treatment chemicals in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document specific departures from these practices or specifications and how they reflect good engineering practice.

f. Ensure proper training. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.

g. Comply with additional requirements for the approved use of cationic chemicals. If the operator has been notified by ADEQ that coverage under the 2020 CGP is conditioned on compliance with additional requirements necessary to ensure that the use of cationic chemicals at the site will not cause an exceedance of surface water quality standards, the operator is required to comply with all such requirements.

h. Provide proper SWPPP documentation. The operator must include documentation in the SWPPP in accordance with Part 6.3(9) on the specific chemicals and chemical treatment systems to be used, and how the site will comply with the requirements of the permit.

Steep Slopes. The purpose of the requirement to minimize the disturbance of steep slopes is to minimize the amount of soil eroded on construction sites, and the amount of sediment and other pollutants discharged from the site. Minimizing the disturbance of steep slopes during construction activity can be accomplished through a number of practices. These include practices related to how much soil is exposed on steep slopes, such as phasing land disturbing activities, and providing timely soil stabilization on slopes, such as through the use of mulch, rolled erosion control products, and vegetation. Operators have flexibility to select appropriate controls to minimize disturbance of steep slopes at their individual sites; the flexibility to schedule and phase construction activities so as to limit the amount of land disturbed at one time; and the flexibility to minimize the duration of exposure on steep slopes.

Steep slopes may be defined by a state, Tribe, local government, or industry technical manual (e.g., Stormwater BMP Manual). Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

The permit does not prevent or prohibit disturbance on steep slopes. ADEQ recognizes that for some projects, disturbance on steep slopes may be necessary for construction *(e.g., a road cut in mountainous terrain)*. If disturbances to steep slopes are required for the project, ADEQ recognizes that it is not practicable to minimize the disturbance of steep slopes.

The requirement to minimize the disturbance of steep slopes does not apply to the creation of soil stockpiles.

Minimize Sediment Discharges. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.

Sediment control measures are designed to capture sediment that erosion control measures have failed to keep in place. These control measures are typically found at the perimeter of a construction site and include sediment basins and traps, silt fences, inlet protection, and check dams. Except for the sediment controls that are intended as permanent structures (i.e. a temporary sediment basin to become a permanent stormwater basin), the permit requires that the operator remove these control measures after final stabilization is achieved. The erosion and sediment controls are not only to be implemented, but they must remain effective and maintained until stabilization is established.

Perimeter Controls. Operators must use appropriate perimeter control measures at all times for all down slope boundaries unless a sediment basin is used that will store a calculated volume of runoff as documented in the SWPPP. Examples of perimeter controls include, but are not limited to, filter berms, silt fences, and temporary diversion dikes. This requirement instructs operators where to install down slope sediment controls so that they are effectively situated to minimize the discharge of pollutants.

Perimeter controls are not required for individual lots within a construction site if stormwater from those lots is conveyed to an on-site sediment basin.

For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, operators must maximize the use of these controls where practicable and document in the SWPPP why it is impracticable in other areas of the project. Linear projects with limited rights-of-ways have flexibility to document in the SWPPP when it is impracticable to install perimeter controls in certain areas of the site, and to maximize the use of these controls in the areas where it is practicable.

All operators are reminded to maintain their perimeter controls, in accordance with Part 3.2, "General Maintenance Requirements", to ensure they remain effective until stabilization is established.

Control Discharges from Stockpiled Sediment or Soil Piles. For any stockpiles *(e.g., storage for multiple days of soil or other sediment material to be used in the construction project)* or land clearing debris composed, in whole or in part, of sediment or soil, operators must comply with the permit. Operators must assess the need for controls on soil and sediment stockpiles based on size and their potential for erosion and discharge off-site.

This permit requirement applies primarily to soil stockpiles, because soil stockpiles are pollutant sources that present an overall increase in the surface area of exposed soils, along with very steep slopes (*i.e., at the angle of repose*) that contribute to increased sediment transfer. Sediment control measures are necessary to reduce potential increases in pollutant discharge, regardless of source. Therefore, any stockpile with fine particles constitutes a pollutant source, and operators must assess the need for and implement appropriate control measures to protect stormwater quality. This particular provision is not intended to include stockpiles of other materials (such as rock) that have a minimal component of fines. The permit allows 'other effective sediment controls' to be implemented instead of a silt fence.

Construction operators should avoid the placement of any materials in the streets or other stormwater conveyances. Placement of soil stockpiles in streets may be prohibited by the municipality, as streets can be stormwater conveyances. Operators should also note that effective erosion and sediment controls are required, "except when stockpiles are being actively worked" (*i.e., control measures must be in place evenings, weekends, and during other downtimes*).

Storm Drain Inlet Protection. For any discharges from the site to a storm drain inlet that discharges to a surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and for which the operator has authority to access the storm drain inlet, the operator must assess the need for and install inlet protection measures as necessary that remove sediment from the discharge prior to entry into the storm drain inlet. Examples of inlet protection measures include fabric filters, sandbags, concrete blocks, and gravel barriers. Inlet protection measures can only be removed in the event of flood conditions that may endanger the safety of the public. Such actions are allowable only under extreme conditions and shall be documented on the inspection report form.

Operators should note that the standard conditions of the permit regarding a "bypass" (see Appendix B, Subsection 20) provide an affirmative defense in the event that an inlet protection control measure needs to be removed to prevent flooding or erosion. ADEQ believes these "bypass" provisions provide an operator sufficient recourse in an emergency situation.

Proper maintenance includes cleaning, or removing and replacing, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where

there is evidence of sediment accumulation adjacent to the inlet protection measure, the operator is advised to remove the deposited sediment by the end of the same work day in which it is found, or by the end of the following work day if removal by the same work day is not feasible.

The storm drain inlet protection requirement in the CGP implements the federal requirement to "minimize sediment discharges from the site" by requiring stormwater inlets to be protected with sediment controls during construction. These control measures reduce the amount of sediment-laden stormwater from entering storm drains, and ultimately being discharged to surface waters. Inlet protection measures should be kept in working condition so that they are effective at reducing the discharge of pollutants.

Maintain Natural Buffers. Maintain natural buffers adjacent to perennial waters and direct stormwater to vegetated areas to increase sediment removal, unless infeasible.

1. Provide Natural Buffers or Equivalent Sediment Controls. This requirement only applies if construction activity is located within 50 feet of a perennial water (as defined in Appendix A; "perennial waters" do not include stormwater control features). The operator is required to ensure that any discharges to perennial waters through the area between the disturbed portions of the property and any perennial waters located within 50-feet of the site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load equivalent to that achieved by a 50-foot natural buffer. The operator is required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, the operator may consider naturally non-vegetated areas and prior disturbances

   In Arizona, buffers used to achieve erosion and sediment control are most effective when applied to areas adjacent to perennial waters (as defined in Appendix A) and natural lakes and ponds. The buffer requirement applies to all project sites that are situated within 50 feet of a perennial water, or a natural lake or pond. ADEQ does not consider stormwater control features *(e.g., stormwater conveyance channels, storm drain inlets, sediment basins)* to be included for the purposes of triggering the requirement to comply with this Part.

   Where the operator chooses to implement equivalent sediment controls instead of providing the 50-foot natural buffer, documentation must be included in the SWPPP to substantiate the claims that the additional controls, in conjunction with the site's perimeter controls, are expected to reduce sediment by the amount equivalent to the 50-foot natural buffer.

2. Compliance Alternatives. Where the operator finds it infeasible to maintain the 50 foot buffer, the operator is required to document in the SWPPP the reasons why the 50 foot buffer cannot be maintained, and identify the additional erosion and sediment controls selected that will achieve an equivalent level of protection.

   For compliance alternatives that involve the retention of an undisturbed natural buffer, the operator is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists. The operator only needs to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided the operator retains and protect from disturbance the natural buffer area outside the preexisting disturbance.

3. Exceptions.

   a. Operators are not required to comply with this Part if there is no discharge of stormwater to surface waters through the area between the site and any surface waters located within 50 feet from the site. This includes situations where the operator has implemented control measures, such as a berm or other barrier that will prevent such discharges.

This exception recognizes situations where there is no discharge of stormwater to the perennial water; therefore the operator is not subject to the 50-foot buffer or equivalent sediment removal treatment standard. For instance, if the slope of the construction site is such that no stormwater from the construction activities discharges through the buffer area, the buffer requirement does not apply. This exemption also applies if stormwater from the site enters a storm sewer system and does not discharge through the buffer area, or a berm or other barrier is used to prevent discharges to the surface water. This exception provides additional flexibility to operators who may need to build close to the water's edge, while ensuring that adjacent perennial waters are protected.

b. Where no natural buffer exists due to preexisting development disturbances *(e.g., structures, impervious surfaces)* that occurred prior to the initiation of planning for the current development of the site, the operator is not required to comply with the requirements in this Part, unless portions of the preexisting development are removed.

   Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, the operator is required to comply with the requirements in this Part.

   In situations where prior disturbances from a previous development have eliminated the natural buffer, it may not be feasible to provide and maintain a buffer, and may also be infeasible in certain situations to provide the equivalent sediment load reduction through erosion and sediment controls.

c. Operators of "linear projects" (see Appendix A), are not required to comply with this requirement if site constraints (*e.g., limited right-of-way*) prevent the operator from meeting the requirements of this Part, provided that to the extent practicable, the operator limits disturbances within 50 feet of the perennial water, and/or the operator provides supplemental erosion and sediment controls to treat stormwater discharges from construction activities within 50 feet of the perennial water. The operator must also document in the SWPPP the rationale as to why it is infeasible to comply with the buffer compliance alternatives, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

   Dispersal of stormwater discharges through adjacent vegetated areas is a common practice on many linear projects, and therefore operators of linear projects should find it feasible in many cases to treat stormwater discharges through vegetated buffers. However, ADEQ recognizes that linear projects may have difficulty in fully complying with the 50-foot natural buffer requirement due to site constraints (*i.e., linear projects may not be able to provide the full 50 foot vegetated buffer width*). Therefore, the permit provides a more flexible alternative for linear facilities with site constraints by requiring that the operator instead retain as much natural buffer as is feasible, and/or to the extent feasible provides supplemental erosion and sediment controls in the buffer area. For example, if a linear project has only 10 feet of right-of-way between the disturbed area and a stream, permit compliance can be achieved by providing in the buffer area a 10-foot natural buffer, or by providing a narrower buffer *(e.g., 5 feet)* and additional erosion and sediment controls *(e.g., a fiber roll barrier in addition to the perimeter control)*, or by providing exclusively erosion and sediment controls.

d. "Small residential lot" construction (a subset of "Small construction activity" defined in Appendix A) is exempt from buffer requirements, provided that the operator minimizes the discharge of pollutants by complying with the requirements of Parts 3.3 through 3.8 in the permit. "Small residential lot" construction means a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

In most cases, builders of small residential lots will be able to take credit for the compliance alternatives implemented on their lot by the original developer of the larger common plan of development/sale. For example, the developer could take into account the 50-foot buffer when installing the infrastructure and subdividing the property so that the 50-foot buffer is not encroached upon by the developable portion of the subdivided lots. Alternatively, the developer could hypothetically evaluate and implement equivalent erosion and sediment controls, which can be used by the builders of the small lots to demonstrate that the buffer requirements have already been met. However, there will be circumstances where the builder will be responsible for implementing one of the compliance alternatives on a small lot because it was not taken into account during the sale of the lot *(e.g., there was encroachment into the 50-foot buffer in the subdivision of the lot)*. Under this scenario, builders of small residential lots may have difficulty evaluating the supplemental erosion and sediment controls that provide the equivalent protection of the 50-foot buffer due to limited technical resources.

Under the small residential lot compliance alternatives, builders of small lots would not be required to model and demonstrate that they are achieving the equivalent sediment reduction equivalency as the 50-foot buffer. Instead, the builders of small residential lots must ensure the discharge of pollutants is minimized by the installation of other erosion and sediment controls, as appropriate, such as run-on management, velocity dissipation, preserving natural vegetation and other means that minimize sediment discharge. The controls for a small residential lot, although not necessarily equivalent to the sediment removal of a 50-foot buffer, are generally deemed sufficient to protect water quality from small residential construction sites.

e. The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:

- Construction approved under a CWA Section 404 permit; or
- Construction of water-dependent structures and water access areas (*e.g., piers, boat ramps, trails)*.

Compliance with the buffer requirements is either unnecessary or infeasible for these two types of disturbances, which occur entirely or substantially within the buffer. In the case of activities permitted under CWA Section 404 (for discharges of dredge or fill material), such permits already include appropriate safeguards for discharges of sediment to surface (perennial) waters. Water-dependent features by definition are located in the buffer zone; hence, compliance with the 50-foot natural buffer requirement is usually infeasible.

The operator must document in the SWPPP if any of the above disturbances (exceptions a. through e.) occur within the buffer area.

Minimize Soil Compaction. The operator shall minimize soil compaction and, unless infeasible, preserve topsoil (for later revegetation)

Minimize Soil Compaction. In any areas of the site where final vegetative stabilization will occur or where infiltration practices will be implemented, the operator must either:

1. Restrict vehicle / equipment use. Restrict vehicle and equipment use in any locations where final vegetative stabilization will occur or where infiltration practices will be installed; or
2. Use Soil Conditioning Techniques. Prior to seeding or planting areas of exposed soil that have been compacted, operators must use techniques that condition the soils to support vegetative growth, if necessary and feasible.

Minimizing soil compaction allows infiltration and retention of stormwater to occur, which in turn reduces stormwater discharge volume and velocity. Reducing stormwater discharges reduces

erosion and therefore reduces the amount of sediment and other pollutants discharged from the site. Operators may minimize soil compaction by: 1) restricting vehicle and equipment use on areas that will be vegetatively stabilized or where infiltration practices will be installed; or 2) use soil conditioning techniques to decompact soils to support vegetative growth. Specific types of soil conditioning techniques could include deep-ripping and decompaction or sub-soiling. Soil conditioning techniques are not required in any area where it would not be feasible, such as on steep slope areas or any other areas where it is unsafe for the required equipment. Minimizing soil compaction does not apply to areas that will not be used for final vegetative stabilization or for areas where infiltration practices will be installed. For example, the requirements do not apply to disturbed areas that will become paved surfaces, such as roads, foundations, footings, or on embankments, or on areas where soil compaction is necessary by design.

Preserve Topsoil. Topsoil helps to maintain the soil structure on construction sites and provides a growing medium for vegetative stabilization measures. Better vegetative stabilization reduces erosion rates of the underlying soil and also increases the infiltrative capacity of the soil, thereby reducing the amount of sediment transported to downslope sediment and perimeter controls. Topsoil can be preserved by stockpiling the native topsoil on the site for later use *(e.g., for vegetative stabilization)*, or by limiting disturbance and removal of the topsoil and associated vegetation. For example, topsoil can be preserved by limiting clearing and grading to only those areas where necessary to accommodate the building footprint. Some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, preserving topsoil at the site would not be feasible or desirable. In addition, some sites may not have space to stockpile topsoil on-site for later use, in which case, it may also not be feasible to preserve topsoil. ADEQ is aware that stockpiling of topsoil in off-site locations, or transfer of topsoil to other locations, is frequently used in these situations and views this as acceptable practice. However, stormwater discharges from any construction support activities meeting the requirements of Part 1.3(1)(c) are subject to the permit requirements.

III.3.4 Site Stabilization Requirements, Schedules and Deadlines (Part 3.4)

The stabilization requirements in Part 3.4 are intended to minimize the discharge of pollutants by minimizing the amount of soil exposed during construction activities and establish deadlines for temporarily and/or permanently stabilizing exposed portions of the site. Operators are expected to minimize the amount of soil exposed during construction activity is to reduce the amount of soil eroded on construction sites and the amount of sediment and other pollutants discharged from the site. This can be accomplished by minimizing how much of the site is disturbed and minimizing the duration that soils are exposed. For example, soil exposure can be minimized by maintaining or preserving natural vegetation on-site, by phasing construction activities, or by implementing soil stabilization practices on disturbed areas.

The permit defines “temporary stabilization” and “final stabilization” as follows:

- “Temporary stabilization” – A condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to minimize erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area. Soil crusting with water is not an acceptable temporary stabilization method.
- “Final Stabilization” – Covering or maintaining existing cover over soil that reduces or minimizes erosion. The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

Temporary Stabilization. Effective and speedy stabilization of soils exposed throughout the construction process is important in order to reduce the amount of soil eroded on construction sites and the amount of sediment and other pollutants discharged from the site. Initiating soil stabilization measures immediately after land has been disturbed and construction activity has ceased is an important non-numeric effluent limitation. By implementing appropriate control measures in the permit, operators should be able to take immediate action to stabilize disturbed

soils on their sites. Erosion control measures, such as mulch, are readily available and operators should plan accordingly for appropriate materials and laborers to be present when needed.

Furthermore, simply providing some sort of soil cover on these areas can significantly reduce erosion rates, often by an order of magnitude or more. Vegetative stabilization using annual grasses is a common practice used to control erosion. Physical barriers such as geotextiles, straw, rolled erosion control products and mulch and compost are other common methods of controlling erosion. Polymers (such as PAM) and soil tackifiers are also commonly used. These materials and methods are intended to reduce erosion where soil particles can be initially dislodged on a site, either from rainfall, snow melt or up-slope runoff.

The permit specifies that the operator must initiate soil stabilization measures within 14 calendar days whenever activities have permanently or temporarily ceased on any portion of the site. The permit lists five exceptions to the 14-day requirement:

1. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;
2. When the site is using vegetative stabilization and is located in an area of the state experiencing drought conditions (see Appendix A), vegetative stabilization measures shall be initiated as soon as practicable, when growing conditions are best for planting or seeding;
3. Stabilization shall be initiated within 7 calendar days, for areas within 50 feet of an impaired or not-attaining water, or an OAW.
4. Where disturbed areas are awaiting vegetative stabilization for periods greater than 14 calendar days after the most recent disturbance, non-vegetative methods of stabilization shall be employed. These methods shall be described in the SWPPP.
5. Seeding/ Vegetation. If revegetation plans include seeding, the SWPPP shall include seed mix and application specifications that will be used for vegetative stabilization. If the operator uses fertilizers or tackifiers on-site to establish vegetation, control measures shall be established to minimize the presence of these chemicals in the discharge.

ADEQ recognizes that some portions of some projects are intended to be left unvegetated or unstabilized following construction. An example would be a dirt access road or a utility pole pad where the final plan calls for the area to remain a dirt road or an unstabilized pad. Temporary or permanent stabilization measures need not be applied to these areas. However, additional post-construction stormwater control measures should be evaluated and implemented.

For the purposes of this permit, any of the following types of activities constitute the initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the stabilization requirements in this Part.

Stabilization for Sites with Outfalls Within 1/4 mile Upstream of an Impaired, Not-Attaining or OAW. The permit establishes shorter stabilization timeframes for any portion of the site that discharges to an impaired or not-attaining water, or to an OAW. For such sites, the permit requires that stabilization activities be completed within 7 calendar days after the temporary or permanent cessation of activities. The deadlines for stabilization are shorter because of heightened concern about erosion and the impacts from sediment discharges from these areas.

Final Soil Stabilization. The permit requires, as soon as practicable, but no later than 14 calendar days after the initiation of stabilization measures, the operator must have completed: (a) for vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized (e.g., soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, and, as deemed appropriate); and/or (b) for non-vegetative stabilization, the installation or application of all such non-vegetative measures.

ADEQ may determine that the level of sediment discharge on the site makes it necessary to require a shorter schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, ADEQ may require stabilization to correct this problem.

ADEQ has established the 14 calendar day deadline, after giving consideration to the differences between vegetative and non-vegetative stabilization techniques. While it is infeasible to define with any certainty a deadline for when vegetative stabilization must be established and operating effectively, it is possible to require that some of the basic steps for planting vegetative cover in an area take place within a certain period of time, which is what ADEQ included in this section. By comparison, non-vegetative practices can be installed and made operational by a certain deadline, because the establishment of non-vegetative practices is typically more straightforward in terms of their application or installation. ADEQ believes that the 14 calendar day deadline better recognizes potential conflicts such as site scheduling constraints or unexpected weather-related delays. The14 calendar day deadline will be just as protective in most cases because operators will still be required to initialize stabilization immediately after the cessation of construction activities. Also, they will likely complete stabilization promptly rather than wait until the 14th calendar day because waiting could put them at risk of missing the deadline should there be inclement weather or other unexpected delays on the 14th calendar day. ADEQ has included tighter deadlines in the permit for sites discharging to impaired, not-attaining, and outstanding Arizona waters (OAWs).

Vegetative Stabilization. The operator must provide an established uniform vegetation (e.g., evenly distributed without large bare areas), which provides 70 percent or more of the density of coverage that was provided by vegetation prior to commencing construction activities. The operator should also avoid the use of invasive species. Note that when background vegetation covers less than 100 percent of the ground prior to commencing activities, the 70 percent vegetative stabilization criteria can be adjusted as follows: if vegetation covers 50 percent of the ground prior to construction, then the requirement would be to provide a total vegetative cover at final stabilization of 70 percent of 50 percent (0.70 X 0.50 = 0.35), or 35 percent of the ground.

Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, the operator must select, design, and install non-vegetative erosion controls that provide cover (e.g., mulch, rolled erosion control products) to the area while vegetation is becoming established.

Non-Vegetative Stabilization. If the operator is using non-vegetative controls to stabilize exposed portions of the site, or if they are using such controls to temporarily protect areas that are being vegetatively stabilized, the operator must provide effective non-vegetative cover to stabilize any such exposed portions of the site. For temporary stabilization, examples of temporary non-vegetative stabilization methods include, but are not limited to, hydro mulch and erosion control blankets. For final stabilization, examples of permanent non-vegetative stabilization methods include, but are not limited to, riprap, gabions, and geotextiles.

Soil Stabilization Alternatives. The 2020 CGP has three alternatives for soil stabilization: sites with additional retention capacity; sites returned to pre-construction discharge conditions; and arid, semi-arid and drought-stricken areas. See Part 3.4(3) for the specific requirements.

For sites with additional retention capacity and sites returned to preconstruction discharge conditions, the required demonstrations must be prepared and stamped by an Arizona registered professional engineer, geologist or landscape architect and included with the SWPPP and the NOT; however, an engineer, geologist or landscape architect who designs the retention capacity or calculates the stormwater runoff volume and pollutant loading to meet this stabilization

exemption and is employed full-time by the operator is exempt from professional registration requirements, pursuant to A.R.S. § 32-144.

III.3.5 Pollution Prevention Requirements (Part 3.5)

The permit requires construction operators to design, install, and maintain effective pollution prevention measures in order to minimize or prohibit the discharge of pollutants (*i.e., construction and demolition waste, solid waste, trash, and other pollutants*) in stormwater and allowable non-stormwater from pollutant-generating activities that occur on-site or at an off-site construction support activity area. To meet this requirement, the operator must:

- Eliminate certain pollutant discharges from the site (see Part 1.4);
- Properly maintain all pollution prevention controls (see Part 3.2, General Maintenance Requirements); and
- Comply with pollution prevention standards for pollutant-generating activities that occur at the site (see Part 3.3 through 3.8).

These requirements apply to all areas of the construction site and any support activities covered by this permit. This Part requires operators to comply with specific pollution prevention standards for the following pollutant-generating activities that may result in pollutant discharges:

- Concrete washout and washing of equipment and vehicles;
- Washing of applicators and containers used for paint, concrete, or other materials;
- Storage, handling, and disposal of construction materials, products, and wastes; and

Fueling and maintenance of equipment or vehicles.

Concrete Washout is a prohibited discharge, as listed in Part 1.4 of the permit and 40 CFR 450.21(e)(1). When possible, concrete washout activities should be conducted at the concrete contractor's plant or dispatch facility. Otherwise, locations of concrete washout activities that will occur at the construction site should be identified on the site map. Remove and dispose of concrete waste consistent with the handling of other construction wastes in Part 3.5(2) and below.

Discharges from concrete washout activities must also be handled in accordance with the Aquifer Protection Program (APP) Type 1 general permit [A.A.C. R18-9-B301(L)] that regulates discharges from concrete wash-out:

> *A 1.12 general permit allows the discharge of wastewater resulting from washing concrete from trucks, pumps, and ancillary equipment to an impoundment if the following conditions are met:*
>
> 1. *The operator is authorized under the AZPDES CGP for the corresponding project;*
> 2. *The SWPPP for the construction activity addresses the concrete washout activities;*
> 3. *The vegetation at the soil base of the impoundment is cleared, grubbed, and compacted to uniform density not less than 95 percent. If the impoundment is located above grade, the berms or dikes are compacted to a uniform density not less than 95 percent;*
> 4. *If groundwater is less than 20 feet below land surface, the impoundment is lined with a synthetic liner at least 30 mils thick;*
> 5. *The impoundment is located at least 50 feet from any storm drain inlet, open drainage site, or watercourse and 100 feet from any water supply well;*
> 6. *The impoundment is designed and operated to maintain adequate freeboard to prevent overflow or discharge of wastewater;*
> 7. *The concrete washout wastewater from any wash pad is routed to the impoundment;*
> 8. *The impoundment receives only concrete washout wastewater;*
> 9. *The annual average daily flow of wastewater to the impoundment is less than 3000 gallons per day; and*
> 10. *The following closure requirements are met.*

a. The facility is closed by removing and appropriately disposing of any liquids remaining in the impoundment,
b. The area is graded to prevent ponding of water, and
c. Closure activities are completed before filing a NOT for the AZPDES CGP.

The on-site use of prefabricated concrete washout containers is another alternative, provided that the rinsate is not discharged to the ground or off-site.

Washing of Equipment and Vehicles on a construction site requires the following control measures:

1. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing; and
2. Provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these discharges from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas to comply with the prohibition in Part 1.4, for storage of soaps, detergents, or solvents.

Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices (such as filter bags or sand filters), or using other similarly effective controls.

Vehicle and equipment washing is not included on the list of allowable non-stormwater discharges. Discharge of vehicle and equipment wash water must be managed in accordance with the APP rules, and discharge to the ground is inconsistent with the APP Type 3 general permit for these wastewaters [A.A.C. R18-9-D303].

This requirement implements the 40 CFR 450.21(e)(1) requirement to “Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.” Requiring that operators properly manage wash waters reduces the discharge of pollutants, such as sediment and other pollutants, from the site. Examples include providing an effective means of minimizing the discharge of pollutants from the washing of equipment or vehicles include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls. This requirement also implements the 40 CFR 450.21(e)(4) prohibition against discharging soaps or solvents, and is consistent with the eligibility condition that allows the use of non-stormwater wash waters as long as they do not contain soaps, solvents, or detergents.

Washing of Applicators and Containers Used for Paint or Other Materials. To comply with the prohibition in Part 1.4(2) the operator must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. To comply with this requirement, the operator must:

1. Direct all wash water into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;
2. Handle washout or cleanout wastes as follows:
    a. Do not dump liquid wastes in storm sewers; and
    b. Dispose of liquid wastes in accordance with Part 3.1.3.3.
3. Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

Fueling and Maintenance of Equipment or Vehicles. If the operator will conduct fueling and/or maintenance of equipment or vehicles at the site, an effective means must be provided to eliminate the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place.

Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances, providing secondary containment *(e.g., spill berms, decks, and spill containment pallets)* and cover where appropriate, and/or having spill kits readily available.

To comply with the prohibition in Part 1.4(3), the operator must:

1. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA;
2. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
3. Use drip pans and absorbents under or around leaky vehicles;
4. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
5. Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
6. Do not clean surfaces by hosing the area down.

Construction Site Egress (Minimize Sediment Track-Out). The location(s) where construction vehicles and equipment enter and exit the project site inherently receive a lot of traffic. A common issue with vehicles and equipment exiting the project site onto public streets is the tracking of sediment and debris from the site onto these streets. The permit requires that construction operators minimize the track-out of sediment and debris onto off-site streets, other paved areas, and sidewalks from vehicles exiting the construction site.

All site traffic should use the stabilized entrance / egress location. Sediment and debris that is tracked onto roadways must be cleaned up as soon as possible *(e.g., vacuum truck)* to prevent it from getting into storm sewers, surface waters, and from becoming a physical hazard to vehicular traffic.

Options available for complying with this requirement include:

1. Restrict vehicle use to properly designated exit points;
2. Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment is removed prior to vehicle exit *(e.g., crushed* aggregate, *sized 3" to 6" (<u>not</u> rounded stream cobbles))*, with an underlying geotextile or non-woven filter fabric, or turf mats;
3. A wheel washing or vehicle wash-down area, which may also be used in concert with a stabilized drive. Any wash-down area should be designed and constructed to capture wash down waters, sediments, debris, and other pollutants. Where necessary, use additional controls to remove sediment from vehicle tires prior to exit *(e.g., rumble strips, rattle plates)*; and
4. Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. Operators must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. The operator is prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.

Some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 3.5(3).

Operators must document any departure from the use of standard ingress / egress control measures to control track-out (such as those described above) in the SWPPP:

a. Explain why structural control measures cannot be installed;

b. Describe what alternative measures will be used to minimize sediment from being tracked-out or accumulated on paved areas; and

c. Describe what procedures will be used to ensure track-out is discovered and removed as soon as practicable.

Installing control measures at construction site egress points will result in the minimization of sediment that is tracked-out from the site onto paved surfaces and subsequently discharged in stormwater.

Minimize Exposure. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to stormwater. The permit clarifies that the staging or storage of construction materials, building products, or wastes, which are either not a source of contamination to stormwater or are designed to be exposed to stormwater, are not held to this requirement.

For instance, materials such as bricks, blocks, pipeline, electrical equipment, structural steel, and utility poles can generally be stored outside making it unnecessary to provide secondary containment or equivalent control measure. In comparison, where fuels, oils, or chemicals are stored, there is a risk of stormwater contamination due to a spill and exposure to precipitation, thereby making it subject to the spill prevention and response procedures.

Good Housekeeping Measures. These provisions have not changed significantly from previous permits. The operator is required to design and implement non-structural control measures including good housekeeping practices and training to prevent litter, construction debris, chemicals, and other pollutants from coming into contact with stormwater that is discharged from the site. Examples of good housekeeping measures include secondary containment for chemical storage, providing closed-top dumpsters for trash and debris, and contaminated soil management.

Storage, Handling, and Disposal of Construction Products, Materials, and Wastes. The operator is required to minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at the site by complying with the requirements in this Part. These requirements do not apply to those products, materials, or wastes that are not a source of stormwater contamination or that are designed to be exposed to stormwater.

To meet this requirement, the permittee must:

1. For building products (e.g., asphalt sealants, copper flashing, roofing materials, adhesives, concrete mixtures): In storage areas, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

2. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

   a. In storage areas, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas; and

   b. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

3. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:

a. To comply with this prohibition, store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and

b. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

4. For hazardous or toxic waste (e.g., paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids):

   a. Separate hazardous or toxic waste from construction and domestic waste;

   b. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

   c. Store all containers that will be stored outside within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered area or having a spill kit available on- site);

   d. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements; and

   e. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

5. For construction and domestic waste (e.g., packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, Styrofoam, concrete, and other trash or building materials): Provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. In addition, you must:

   a. On work days, clean up and dispose of waste in designated waste containers; and

   b. Clean up immediately if containers overflow.

6. For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over.

Spill Prevention and Response Procedures. The permit prohibits operators from discharging toxic or hazardous substances from a spill or other release. Furthermore, where a leak, spill, or other release contains a toxic or hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 during a 24-hour period, the operator is subject to federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 relating to spills or other releases of oils or hazardous substances. Operators must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

Construction operators must minimize the potential for leaks, spills and other releases, which are major sources of stormwater pollution, to be exposed to stormwater. Operators should identify potential spill areas and keep an inventory of materials handled, used and disposed of.

For a spill prevention and response program to be effective, employees should clearly understand the proper procedures and requirements and have the equipment necessary to respond to spills.

In addition to the four spill response measures listed in the permit, the following are suggestions to incorporate into spill prevention and response procedures:

- Install leak detection devices, overflow controls and diversion berms;
- Perform visual inspections and identify signs of wear;
- Perform preventive maintenance on storage tanks, valves, pumps, pipes and other equipment;
- Use filling procedures for tanks and other equipment that minimize spills;
- Use material transfer procedures that reduce the chance of leaks or spills;
- Substitute less toxic materials;
- Ensure that clean-up materials are available where and when needed;
- Ensure appropriate security;
- Notify emergency response agencies where necessary.

In the event of a spill, it is important that the construction operator have clear, concise, step-by-step instructions for responding to spills. The approach will depend on the specific conditions at the site such as size, number of employees and the spill potential of the site.

Fertilizer Discharge Restrictions

Operators must minimize discharges of fertilizers containing nitrogen and phosphorus. Fertilizer discharge restrictions are intended to prevent the discharge of nutrients in stormwater. ADEQ provides the following specific guidelines regarding fertilizer application which are meant to minimize any potential discharge of excess or improperly applied fertilizers:

1. Apply at a rate or amount based on manufacturer's specifications, or document departures from the manufacturer specifications where appropriate in Part 6.3(11) of the SWPPP;
2. Apply at the appropriate time of year based on your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
3. Avoid applying before heavy rains;
4. Never apply to frozen ground;
5. Never apply to stormwater conveyance channels with flowing water; and
6. Follow all other state or local requirements regarding fertilizer application.

III.3.6 Controls for Allowable Non-Stormwater Discharges and Dewatering Activities (Part 3.6)

This section clarifies that control measures are required for stormwater and non-stormwater discharges and is linked to Part 1.3(2) of the permit, "Allowable Non-stormwater Discharges". Operators are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls. Part 3.6 prohibits the discharge of groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are first treated by an appropriate control. Examples of appropriate controls include, but

are not limited to, sediment basins or sediment traps, dewatering tanks, tube settlers, weir tanks, or filtration systems *(e.g., bag or sand filters)* that are designed to remove sediment.

Treatment Chemical Restrictions. Operators using polymers, flocculants, or other treatment chemicals must comply with the requirements in Parts 3.3(4) and 6.3(10). Operators should evaluate and implement the following control measures, as appropriate, whenever dewatering activities are planned that will result in a discharge:

1. Do not discharge floating solids or foam;
2. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering wastewater is found to contain these materials;
3. To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case will surface waters be considered part of the treatment area;
4. At all points where dewatering water is discharged, comply with the requirements of Part 3.1.1.2 to minimize erosion at outlets and minimize downstream channel and streambank erosion;
5. With backwash water, either haul away for disposal or return it to the beginning of the treatment process; and
6. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

Uncontaminated, non-turbid dewatering wastewater, such as well-point groundwater, can be discharged without being routed to a control.

III.3.7 Surface Outlets

When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

III.3.8 Surface Water Quality Standards (Part 3.8)

This CGP includes water quality-based effluent limits (WQBELs) to control discharges as necessary to meet applicable surface water quality standards. The provisions of Part 3 constitute the WQBELs of this permit, and supplement the permit's general effluent limits in Part 2.

The permit requires discharges of stormwater to be controlled as necessary to meet applicable surface water quality standards.

In the absence of information demonstrating otherwise, ADEQ expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable surface water quality standards. If at any time the operator becomes aware, or ADEQ determines, that the discharge is not being controlled as necessary to meet applicable surface water quality standards, the operator must take corrective action as required in Part 5.1, and document the corrective actions as required in Part 5.3 and 6.4 and report the corrective actions to ADEQ as required in Part 8.2(3).

ADEQ may also impose additional water quality-based limitations on a site-specific basis, or require the operator to obtain coverage under an individual permit, if information in the NOI, required reports, or from other sources indicates that discharges are not controlled as necessary to meet applicable surface water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an U.S. EPA-approved or established TMDL.

Discharge Limitations for Impaired or Not-attaining Waters and OAWs. For the purposes of this permit, "impaired waters" are waters identified as impaired on the appropriate CWA Section

303(d) list, or not-attaining waters with an U.S. EPA-approved or established TMDL. The construction site will be considered to discharge to an impaired or not-attaining water if the first surface water to which it discharges is identified by a state, tribe, or U.S. EPA pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in an U.S. EPA-approved or established TMDL. For discharges that enter a storm sewer system prior to discharge, the first surface water to which the site discharges is the waterbody that receives the stormwater discharge from the storm sewer system.

For operators that determine they have a discharge to an impaired or not-attaining water, the permit requires that the following information be provided on the NOI:

1. A list of all impaired or not-attaining waters to which the operator discharges;
2. The pollutant(s) for which the surface water is impaired or not-attaining; and
3. Whether a TMDL has been approved or established for the waters to which the operator discharges.

If the discharge is to an impaired water, ADEQ will inform the operator if any additional limits or controls are necessary for the discharge to be controlled as necessary to meet surface water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary in accordance with Appendix B, Subsection 17.

If during coverage under a previous permit, the operator was required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an U.S. EPA-approved or established TMDL (for any parameter) or to otherwise control the discharge to meet surface water quality standards, the operator must continue to implement such controls as part of this permit.

Additional Resources

The following is a listing of additional resources for determining if a surface water is impaired, not-attaining or an OAW:

- Go online to www.azdeq.gov and “search” for Surface Water Monitoring and Assessment
- Go online to www.azdeq.gov and choose EMaps from the menu bar, then make a selection under the Water Quality section of the page (links to assessed, impaired, OAWs, etc.)

IV. Inspections (Part 4)

IV.1 Inspector Qualifications (Part 4.1)

The operator is responsible for ensuring that a person is charged with conducting the inspections required under Part 4, and this person, whether a member of the project staff or a third party, must be a "qualified person." The inspector and his/her qualifications must be identified in the SWPPP. The inspector is not required to be certified, but, whoever is charged with conducting the inspections must be a "qualified person". The identified inspector must be knowledgeable in the principles and practice of erosion and sediment controls, and pollution prevention, who possesses the skills and training to assess conditions at the construction site that could impact stormwater quality, and the skills and training to assess the effectiveness of any stormwater control measures selected and installed to meet the requirements of the permit. A definition is provided in Appendix A.

Although inspectors are not required to be certified, ADEQ encourages training in the knowledge and practices of erosion and sediment controls and conducting inspections. For the purposes of this permit, on the job training is an acceptable form of training.

IV.2 Inspection Schedule (Part 4.2)

Part 4.2 establishes the required inspection frequencies for construction sites in various situations. When the use of a rain gauge or weather station that is representative of the location is necessary to determine the rainfall threshold that will trigger an inspection, the operator must be consistent to use the same source of rainfall data (I.e., a local weather station or rain gauge on site) throughout the life of the construction project. If the project site is large, operators have the flexibility with the rain gauge location within the area of operational control for the permitted site. However, if relying on a local weather station to determine rainfall, the same station should be used throughout the life of the project. The operator may use the local weather station in lieu of the on-site rain gauge if a storm event occurs during weekends, holidays, etc.; or, during times when the site is unstaffed. The SWPPP must document which inspection schedule was chosen, as well as the location of the rain gauge or weather station used to obtain the rainfall information.

Routine Inspection Schedule. The operator has the option to conduct a routine site inspection using one of three schedules shown below. The SWPPP must document which inspection frequency was chosen.

a. The site will be inspected a minimum of once within 7 calendar days, but not within 5 calendar days of the previous inspection; or

b. The site will be inspected a minimum of once within 14 calendar days, but not within 10 calendar days of the previous inspection, and within 24 hours of the occurrence of each storm event of 0.5 inch or greater in 24 hours; or

c. The site will be inspected a minimum of once per month, but not within 14calendar days of the previous inspection and within 24 hours of the occurrence of a storm event of 0.25 inch or greater.

To determine if a storm event of 0.25 or 0.5 inch or greater has occurred on the site, the operator must either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather station that is representative of the location. For any day of rainfall during normal business hours that measures 0.25 or 0.5 inch or greater (depending on which option is used), the operator must record the total rainfall measured for that day. ADEQ encourages more frequent spot inspections, especially before and/or during a storm event, to ensure control measures will be effective in minimizing pollutant discharges. Particular attention should be paid to construction site entrance and egress location(s), nearby streets, and inlets.

When the frequency of inspections is reduced to 30 days, the permit requires that an inspection be triggered when the site experiences a storm event of 0.25 inch or greater. More importantly,

however, ADEQ believes that storms with rainfall totals greater than 0.25 inch have the potential to produce discharges of pollutants, particularly if stormwater controls are not functioning effectively. Further, storms of this size may compromise stormwater controls on the site. Thus, inspection immediately after such events (or during such events in the case of multi-day storms) is important to meet the purposes of adopting a storm-based inspection schedule.

Reductions in Inspection Frequency. With a reduced inspection schedule, operators must inspect the site at least once per month, (but not within 14 calendar days of the previous inspection) and before an anticipated storm event and within 24 hours of each storm event of 0.5 inch or greater in 24 hours. The operator must document that they are using this schedule and the beginning and ending dates of this period in the SWPPP. Each of these represents situations of comparatively lower risk for discharges to surface waters:

- ***Temporarily Stabilized Areas.*** Operators may reduce the frequency of inspections to once per month in any area of the site where temporary stabilization has been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency must resume to one of the three options in Part 4.2(1). This should be an inducement, especially for larger projects where construction activities may take place in different phases in separate locations of the site, for stabilization to take place closer to the time that active disturbances have ended. There may also be the benefit of a reduced administrative burden to the operator.
- ***Seasonal Rainfall Patterns.*** Operators may reduce their inspection frequency if construction activity occurs during periods of the year when discharges are unlikely based on seasonal rainfall patterns (*i.e., a seasonally dry period or during a period in which drought is predicted to occur*). To determine when the seasonal dry periods occur in arid and semi-arid areas, one tool that is available for operators is the National Weather Service Forecast Office, NOWData. Choose one of the following links, based on the area of Arizona that your construction site is located in:
  - For Phoenix, other Valley locations, and Yuma, go to this page:

    https://w2.weather.gov/climate/xmacis.php?wfo=psr
  - For locations in southeast Arizona, go here:

    https://w2.weather.gov/climate/xmacis.php?wfo=twc
  - For locations in northern Arizona, go here:

    https://w2.weather.gov/climate/xmacis.php?wfo=fgz

  Next:

  1) Select a location
  2) Select the radio button for "Daily/monthly normals"
  3) Select the radio button for "Monthly" (may already be selected)
  4) Click the "Go" button

  From the graph that is generated, operators can determine seasonal rainfall periods, as well as seasonal dry periods.
- ***Winter Conditions.*** Operators may reduce their inspection frequencies when runoff is unlikely due to winter conditions *(e.g., site is covered with snow, ice, or frozen ground exists)*. This frequency can remain in effect until thawing conditions begin to occur or unexpected weather conditions (such as above freezing temperatures or rain on snow events) make discharges likely; at which time the operator must resume one of the routine inspection schedules.

Inspection Schedule for Sites within 1/4 mile upstream of Impaired Waters or OAWs Operators must modify their inspection frequencies to once every 7 calendar days for that portion

of any site that is located within 1/4 mile upstream of an impaired or not-attaining water, or an outstanding Arizona water (OAW).

To determine if a storm event of 0.25 inch or greater has occurred on the site, the operator must either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather station that is representative of the location.

Compliance with the water quality-based effluent limits in Part 3.8, in combination with the general effluent limits in Part 3.1, are expected to result in discharges that meet applicable surface water quality standards. The weekly site inspections are required only for those portions of the site that are located within 1/4 mile upstream of the impaired or not-attaining water or OAW. For example, for a highway construction project spanning many miles over multiple watersheds, the increase in inspection frequency would only be required in areas of the site that are located within the watershed of the OAW, impaired or not-attaining water. Construction sites that qualify for the reduced inspection frequencies specified in Part 4.2(2) may comply with those reduced frequencies despite the fact that they discharge to an impaired or not-attaining water or an OAW, because they have undergone temporary or final stabilization.

Inspection Schedule for Inactive and Unstaffed Sites. Inactive and unstaffed sites within 1/4 mile upstream of an OAW, impaired or not-attaining water are not eligible for this reduced inspection frequency, unless they have undergone temporary or final stabilization.

The requirement to conduct routine inspections does not apply to a construction site that is inactive and unstaffed. Under these circumstances, the operator may conduct less frequent inspections, in accordance with the requirements of Part 4.2(4) of the 2020 CGP. Inactive and unstaffed sites may qualify for the reduced inspection frequency, provided they meet the following conditions:

1. Immediately before becoming inactive and unstaffed, the operator shall perform an inspection in accordance with Part 4.3. All stormwater control measures must be in operational condition in accordance with Part 3.1 prior to becoming inactive and unstaffed;
2. During the time the site is inactive and unstaffed, the operator shall perform an inspection at least once every six months and within 24 hours of each storm event of 0.5 inch or greater in 24 hours;
3. Non-storm event inspections must be at least three months apart;
4. All stormwater control measures must be maintained in operational condition;
5. The site shall be secured, such as limited access, blocking or fencing;
6. Maintain a statement in the SWPPP as required in Part 6.4(11) indicating that the construction site is inactive and unstaffed. The statement must be signed and certified in accordance with Appendix B, Subsection 9;
7. If circumstances change and the site becomes active and/or staffed, this exception no longer applies and the operator shall immediately resume the routine inspection schedule;

ADEQ retains the authority to revoke this exception from routine inspections where it is determined that the discharge causes, has a reasonable potential to cause, or contribute to an exceedance of an applicable water quality standard, including designated uses.

Inspections are only required during the project's normal working hours. If an inspection day (except those required relative to a rainfall event) falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection may be conducted on the following Monday.

Inspections are not Required under Adverse Conditions. Operators are not required to inspect areas of the site that, at the time of the inspection, are considered unsafe to inspection personnel. Inspections may be postponed when conditions such as local flooding, high winds,

electrical storms, or situations that otherwise make inspections unsafe. The inspection must resume as soon as conditions are safe.

When unsafe conditions exist on a portion of or the entire site, the operator must describe the reason(s) it was found to be unsafe and specify the locations where this condition applies.

IV.3 Scope of Inspections (Part 4.3)

The permit specifies the following areas of the site that need to be inspected, at a minimum, during each site inspection:

- All areas that have been "disturbed by construction activity" (*i.e., cleared, graded, or excavated, and that have not yet completed stabilization*);
- All stormwater controls installed at the site to comply with this permit;
- Material, waste, borrow or equipment storage and maintenance areas that are covered by this permit;
- All areas where stormwater typically flows within the site, including drainage ways designed to divert, convey, and/or treat stormwater. The operator must ascertain whether erosion and sediment control measures are effective in preventing significant impacts to receiving waters;
- All outfalls from the site. Where locations are inaccessible, nearby downstream locations to the extent that the inspections are practicable; and
- All locations where temporary stabilization measures have been implemented.

The permit requires that inspections, at a minimum, consist of the following:

1. Check whether all erosion and sediment controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Part 3.2;
2. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
3. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 3.2; and
4. At outfalls and, if applicable, the banks of any surface waters flowing within or immediately adjacent to the property on which the construction activities will occur, check for signs of visible erosion and sedimentation (*i.e., sediment deposits*) that have occurred and are attributable to the discharge.
5. If a discharge is occurring during the inspection, the operator is required to:
    a. Identify all points of the property in which there is a discharge;
    b. Observe and document the physical characteristics of the discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants; and
    c. Document whether the stormwater controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.
    d. When there is no discharge, examine each discharge location for evidence of erosion, sedimentation and other pollutants, and the presence of current (and indications of prior) discharges and their sources.
6. The site egress location(s) leading to paved areas should include frequent spot inspections. As construction equipment leaves the site, there is the potential for mud, stones, dirt, and other pollutants to be transported off-site and deposited in public streets.

This off-site tracking of pollutants has the potential to create physical hazards, damage to public and private property, and contribute to air pollution. Due to these inherent concerns, pollutants observed in public streets should be removed as soon as possible.

IV.4 Inspection Report (Part 4.4)

Requirement to Complete an Inspection Report. The operator is required to complete an inspection report within 7 days of completing any site inspection. Operators must use either a form provided by ADEQ or develop an equivalent form that incorporates all the inspection-related requirements of the 2020 CGP. The inspection report form must provide a consistent means of documenting the results of each inspection, which may be in the form of databases or standardized forms. ADEQ believes better organization of the inspection report and consistency of content will result. Accordingly, ADEQ expects its reviews of inspection reports will be more efficient and operators will find it easier to keep track of their findings from inspection to inspection. An operator may supplement the inspection report form (either ADEQ's or a standardized form) with additional information, forms or drawings, as necessary.

Signature Requirements. Each inspection report must be signed in accordance with Appendix B, Subsection 9 of the permit.

Recordkeeping Requirements. All inspection reports must be kept at least 3 years from the date that permit coverage expires or is terminated, and the reports must be accessible at the site so that they are available upon request by ADEQ or any other federal, state or local authority having jurisdiction over the project at any reasonable time (*generally Monday through Friday, 8:00 am to 5:00 pm*).

The requirement to retain all reports a minimum of three years is a standard permit condition based on the requirements at 40 CFR 122.41(j)(2). Inspection reports may be kept electronically. Electronic records created and/or maintained by operators must be readable and legally dependable with no less evidentiary value than their paper equivalent.

IV.5 Inspection Follow-up (Part 4.5)

When need for repair, replacement or maintenance of any stormwater control measures is discovered as a result of one of these inspections, the operator must make the repairs, etc. in accordance with the deadlines set forth in the permit. Based on the results of the inspection, corrective action(s) may be required under Part 5 of the permit.

Control measure assessment. Follow the schedules set forth in "General Maintenance Requirements" in Part 3.2 of the permit when an inspection reveals that one or more control measures are no longer in effective operating condition and does not constitute a corrective action.

Corrective Actions. Follow the corrective action deadlines set forth in Part 5.2 when a control measure is found to be ineffective and needs modification or replacement. See Part 5 of the permit and Fact Sheet Part V for information on Corrective Actions.

V. Corrective Actions (Part 5)

V.1 Corrective Action Triggers (Part 5.1)

Corrective actions are actions the operator takes when any control measure has failed to meet the conditions of Part 3. Routine maintenance or repairs do not constitute a corrective action. Formal corrective actions were a new component in the 2013 CGP, and have been carried forward in the 2020 permit.

Any one, or a combination, of the following conditions will trigger a corrective action:

1 A necessary stormwater control was never installed, was installed incorrectly, or was not installed in accordance with the requirements in Part 3.2; or

2. A stormwater control needs to be repaired or replaced beyond routine maintenance required in Part 3.2; or

3. One of the prohibited discharges in Part 1.4 is occurring or has occurred; or

4. ADEQ or U.S. EPA determines that modifications to the control measures are necessary to meet the requirements of Part 3; or

5. A discharge is causing an exceedance of an applicable surface water quality standard.

To the extent practicable, operators must take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational on the same day the condition(s) requiring corrective action is discovered. This includes cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. If the problem is identified at a time in the work day when it is too late to initiate corrective action, the corrective action must be initiated on the following work day.

If the condition identified in this Part constitutes a permit violation, correcting it does not remove the original violation. However, enforcement authorities will consider the promptness and effectiveness of any corrective action taken in determining an appropriate response. Additionally, failing to take corrective action in accordance with this Part is an additional permit violation.

The following are examples of routine maintenance and corrective actions:

- Example 1: The perimeter of your construction site is surrounded by silt fencing to keep sediment from leaving the site. During a storm event inspection, you notice that stormwater is flowing out of the bottom of one area, into an adjacent street. You determine that the fencing material is not buried below the surface. This is a corrective action, as the silt fencing was not installed properly.
- Example 2: You use a roll-off dumpster for concrete washout on your site and during a routine inspection you realize that it is over half full. You arrange for it to be removed and replaced by the vendor. This is routine maintenance.
- Example 3: There is a portable toilet on your construction site that is bungee-tied to a tree. After a monsoon, you notice that the tree has snapped and the toilet is now sitting at an odd angle and is leaking at the bottom. This is a corrective action as the toilet was not secured properly during installation.
- Example 4: In the area where your construction supplies are stored, there are several pallets of pesticides and fertilizers that are covered with tarps. During a routine inspection, you notice that there is a large tear in one of the tarps and you mend it with duct tape. This is routine maintenance.
- Example 5: A temporary sediment basin has been installed on the low side of the construction site to collect sediment from rain events while the rest of the site is being worked. While inspecting after a storm event, you realize that the basin is close to full and arrange to have it cleaned out. This is routine maintenance.

V.2 Corrective Action Deadlines (Part 5.2)

The permit establishes a specific timeframe for completing corrective actions. Operators must install a new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within calendar 7 calendar days, the operator must document in the SWPPP why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document their schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7 calendar day timeframe.

SWPPP Modifications to Reflect Changes to Stormwater Controls. The permit requires that where corrective action results in changes to any of the stormwater controls or procedures described in the SWPPP, operators must modify their SWPPPs accordingly within 7 calendar days of completing corrective action work. This is intended to ensure that the SWPPP adequately reflects the stormwater controls being implemented on the site. Where a new control is installed and made operational, or a modification is made to an existing control, the SWPPP must be updated to reflect these site changes. Note that this is true for all such modifications, including those made to implement corrective actions.

V.3 Corrective Action Report (Part 5.3)

Operators must complete a corrective action report for corrective action(s) taken in accordance with this part of the permit. Note that these reports must be maintained in the operators records but do not need to be provided to ADEQ except upon request.

The permit requires proper documentation of all corrective actions taken under this part of the permit. This requirement is consistent with the inspection report requirement in Part 4.4 to document problems found on the site and the corresponding corrective actions taken and applicable implementation dates. See Part 6.5 (SWPPP Updates and Revision Requirements) which requires the SWPPP to be updated if existing control measures need to be modified or if additional control measures are necessary.

Sites that Discharge to an Impaired Water or OAW. When any condition listed in Part 5.1 occurs, the operator of a construction site that has one or more outfalls that are located within 1/4 miles upstream of an impaired or not-attaining water or OAW (in accordance with Parts 1.5(3) or (4)) shall submit a corrective action report to ADEQ, on or before 30 calendar days (from the date of the incident) in accordance with Part 8.1. The operator shall retain a copy of the inspection report documenting the corrective action(s) on-site with the SWPPP as required in Part 6.4.

Report Schedule. Within 7 calendar days of discovering the occurrence of one of the Part 5.1 triggering conditions, the operator must complete a report that documents progress made in completing corrective actions, including the following:

1. Summary of corrective action taken or to be taken: summarize the stormwater control modifications taken or to be taken, including a schedule of activities necessary to implement changes,
2. Dates any corrective actions were initiated or will be initiated, including the review the design, installation, and maintenance of stormwater controls; and
3. The date the modifications are completed or expected to be completed.

Signature Requirements. Each inspection report must be signed in accordance with Appendix B, Subsection 9 of the permit. This provides documentation of compliance with the corrective action requirements in the permit.

Recordkeeping Requirements. All corrective action reports must be kept at least 3 years from the date that permit coverage expires or is terminated. The reports must be accessible at the site until such time as an NOT is submitted. The reports must be available upon request by ADEQ or any other federal, state or local authority having jurisdiction over the project at any reasonable

time (generally Monday through Friday, 8:00 a.m. to 5:00 p.m.). After permit coverage is terminated, the records must be made available through the operator identified on the NOI.

VI. Stormwater Pollution Prevention Plan (SWPPP) (Part 6)

The overall objective of the Stormwater Pollution Prevention Plan (SWPPP) is to provide a written plan for implementing, assessing and improving stormwater control measures that minimize erosion and sedimentation and implementing pollution prevention, inspections and monitoring requirements. The plan is an integral part of the permit and must be adhered to throughout the entire duration of the construction activity, up to and including submitting the NOT. Operators must prepare a SWPPP before submitting a Notice of Intent (NOI) and update it as appropriate. Part 6 of the 2020 CGP describes the preparation and documentation requirements of the SWPPP. The intent is that the SWPPP and its associated records be revised and updated; thus making it a living document that reflects actual conditions on the site as they evolve.

VI.1 General Information (Part 6.1)

Part 6.1 presents general information for developing and maintaining a SWPPP and directs the operator to develop a complete SWPPP prior to submitting the NOI. This includes using standard industry practices, proper certification and implementation of the SWPPP.

SWPPP Development. Operators may develop a joint or common SWPPP where two or more operators will be engaged in construction activities at the same site. For instance, if both the owner and the general contractor of the construction site are permitted, the owner may be the person responsible for SWPPP development, and the general contractor can choose to use the same SWPPP, provided that the SWPPP addresses the general contractor's scope of construction work and obligations under this permit. Or individual operators may develop their own (individual) SWPPP, covering only an individual operator's portion of the site (provided reference is made to the other operators of the site). Operators that choose to develop individual plans are encouraged to coordinate with operators to develop and implement effective control measures, which could also reduce overall costs for each operator. Regardless of development of an individual or comprehensive SWPPP, the permit requires all operators to ensure that individual activities do not negatively impact another operator's stormwater control measures.

If the SWPPP was prepared under a previous version of the permit (*i.e., the 2013 CGP*), the operator must review and update the SWPPP to ensure that the 2013 CGP requirements are addressed prior to submitting the NOI.

Emergency-Related Projects. If operators are conducting construction activities in response to a public emergency (as discussed in Fact Sheet Part 2 and Part 2.5 of the permit), they must document the cause of the public emergency, information substantiating its occurrence *(e.g., federal or state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish the effected public services.

VI.2 Types of Operators (Part 6.2)

The term "operator" is defined as a person with operational control over construction plans and specifications or as a person with control over the day-to-day activities of the site. Typically for larger project, operators may only have control over a portion of a site; several operators are responsible for separate portions of the entire construction project.

Operators with Operational Control over Construction Plans and Specifications. An operator falls within this category must ensure that the SWPPP indicates the areas of the project where they have operational control over project specifications, including the ability to make modifications to plans and specifications. The operator must ensure that all other permittees implementing portions of the SWPPP impacted by any changes made to the plan are notified of such modifications in a timely manner and ensure that the SWPPP contains the appropriate information indicating who has operational control.

Operators with Control over Day-to-Day Activities. An operator that is responsible for the day-to-day operational control of the activities at a project site necessary to ensure compliance with

the SWPPP must ensure the SWPPP meets the minimum requirements of Part 3 of the permit. The operator must also identify those responsible for implementation of control measures required in the SWPPP, ensure the SWPPP indicates areas of the project where operational control of day-to-day activities are maintained, and identify the persons responsible for implementation of control measures identified in the plan.

Operators with Control over a Portion of a Larger Project. An operator that is responsible for only a portion of a larger construction project must maintain compliance with all applicable terms and conditions of this general permit for that portion of the project.

Who is an operator is controlled chiefly by how the "owner" of the project chooses to structure its contracts with the "contractors" hired to design and/or build the project. Three general operator scenarios are presented below (variations are possible on any of the three, especially as the number of owners and contractors increases):

1. Owner acts as sole operator. The property owner designs the structures for the site develops and implements the SWPPP, and serves as general contractor (or has an on-site representative with full authority to direct day-to-day operations). The "Owner" can be the only person that needs a permit, in which case everyone else on the site may be considered subcontractors and do not need permit coverage.

2. Contractor acts as sole operator. The property owner hires a construction company to design the project, prepare the SWPPP, and supervise implementation of the plan and compliance with the permit (*i.e., a "turnkey" project*). In this case, the general contractor, a construction industry professional, is the appropriate person to apply for permit coverage, develop and properly implement a SWPPP. Under this scenario an individual who has a residence built for personal use *(e.g., not those to be sold for profit or used as rental property)* is not the operator. However, an individual would be an "operator" (hence, requiring permit coverage and SWPPP development) if the person performs the general contracting duties for construction of their personal residence.

3. Owner and contractor both act as operators. The owner retains control over any changes to site plans, SWPPPs, or stormwater conveyance or control designs; but the contractor is responsible for overseeing actual construction activities and daily implementation of SWPPP and other permit conditions. In this case, both persons may need coverage.

Under the NPDES stormwater program, the operator of a regulated activity or discharge must apply for a stormwater permit. U.S. EPA clarified that the operator of a construction activity is (are) the person(s) that either individually or taken together meet the following two criteria: (1) they have operational control over the site specifications (including the ability to make modifications in specifications' and (2) they have day-to-day operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions (September 9, 1992, Federal Register, p. 41190). If more than one person meets the above criteria, then each person involved must obtain permit coverage. For example, if the site owner has operation control over site specifications and a general contractor has day-to-day operational control of site activities, then both persons will be operators and subject to permit coverage.

When two or more persons meet the definition of operator, each operator must submit an NOI, and the SWPPP should include either a photocopy of the other operator's NOIs or the general permit number that was assigned for that project. The operators may choose to join in implementing a common pollution prevention plan prior to submittal of the NOI, and in the retention of all plans and reports required by the permit for a period of at least three years from the date that the site is finally stabilized.

VI.3 SWPPP Contents (Part 6.3)

Part 6.3 includes the minimum requirements that must be included in the SWPPP.

Stormwater Team. Developing a SWPPP requires that a qualified individual or team of individuals be identified as responsible for developing and revising the site's SWPPP. The "stormwater team" is responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

The SWPPP must identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

Inclusion of the team in the plan provides notice to site staff and management (*i.e., those responsible for signing and certifying the plan*) of the responsibilities of certain key staff for following through on compliance with the permit's conditions and limits.

Identification of Operators. The SWPPP must include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control. The purpose for this is to provide both staff members and ADEQ with a notice of any other persons that are responsible for specific areas of the construction site and other persons that are responsible for permit compliance.

Nature of Construction Activities. This section of the SWPPP is intended to provide general information about the construction project, which can be readily understood by an ADEQ inspector or other third party who may be unfamiliar with the purpose and general layout of the project. The permit requires information about the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see Part 1.3(1)(c)), and the maximum area expected to be disturbed at any one time.

Identification of the total area expected to be disturbed by construction activities and the soil types provides the permittee, among other things, with information about properly designing and installing stormwater control measures to minimize the discharge of pollutants, as well as information about the placement and type of stabilization practices that should be implemented to minimize the discharge of pollutants in stormwater.

Sequence and Estimated Dates of Construction Activities. The permit requires documentation in the SWPPP of the sequencing and major dates of construction activity, including a schedule of the estimated start dates and the duration of the activities, for specific activities, which are listed in the permit. These requirements provide the permittee the opportunity to support its compliance with the stabilization requirements in Part 3.1.2 of the permit. The SWPPP documentation will also provide inspectors with verification that the permittee has complied with the permit's stabilization requirements.

The purpose of requiring documentation of the sequencing of construction activities is to assist permittees with planning their construction activity sequencing in conjunction with the control measures they intend to use to meet the effluent limitations in this permit. Proper construction site planning limits the amount of land disturbed at one time and limits the exposure of unprotected soils through stabilization, which in turn reduces the amount of sediment that gets discharged from the construction site. This requirement will provide permittees a better understanding of the site runoff characteristics throughout all phases of construction activity, which will help them to plan for the types of stormwater control measures necessary to meet effluent limitations.

The greater specificity will help permittees to minimize construction activities to the extent necessary for the construction activity, which will also minimize pollutants discharged in stormwater. Plans often change due to unforeseen circumstances or for other reasons. Therefore, when departures from initial projections are necessary, this should be documented in the SWPPP.

Stabilization Practices. The SWPPP must describe the vegetative and/or non-vegetative practices that will be used to comply with the requirements in Part 3.4 for temporary and final

stabilization of the exposed portions of the site, including the stabilization deadlines. Operators must indicate in the SWPPP: the site conditions; whether the site is experiencing drought conditions; and the beginning and ending dates of any seasonally dry periods. If unable to comply with the stabilization deadlines, the operator must document the circumstances that prevent meeting the deadlines specified in Part 3.4.

Consistent with the 2013 CGP, the 2020 CGP also requires the use of vegetative and/or non-vegetated controls, and the use of such controls for both temporary and final stabilization. The purpose is so that documentation in the SWPPP corresponds to the permit requirements for stabilization in Part 3.4 of the CGP.

Site Stabilization Alternatives. If the operator's site is eligible for any of the site stabilization alternative described in Part 3.4, this must be documented in the SWPPP.

Site Description. The permit provides necessary details about these provisions and is not significantly different from the 2013 CGP.

Site Map(s). The SWPPP must contain a legible site map, or series of maps, including a general location map, such as the local portion of a USGS 7.5 minute quadrangle or city, county or other map. Explanations of some of the requirements with the most specificity are discussed below.

Part 6.3(6)(a), (b), (c) and (f) – The site map(s) must show boundaries of the property, the locations where construction activities will occur and other specific construction-related activities, which are listed in the permit. Identifying the overall property boundaries, the specific locations of all construction activities, areas protected by the buffer requirements, stockpiled materials, and construction support activities, is designed to provide construction operators with a "big picture" understanding of the areas impacted by construction within their larger property area. This part of the site map should also assist permittees with selecting and designing the stormwater control measures necessary to meet the various erosion and sediment, stabilization, and pollution prevention requirements.

Part 6.3(6)(d)(l) – The permit requires that the site map shows the location of temporary and permanent stormwater control measures identified in the SWPPP. This is intended to provide a spatial correlation between pollutant sources on the site, the flow of stormwater through and from the site, and the location of surface waters. Requiring such information on the site map enables the permittee to locate stormwater control measures strategically so as to comply with the permit's requirements for erosion and sediment and pollution prevention in Parts 3.3 and 3.5. The requirement to show on the site map where areas of exposed soil will be stabilized, or have already been stabilized, provides permittees with a visual aid that will help them to comply with the temporary and final stabilization requirements in Part 3.4.

Part 6.3(6)(g) and (h) – The permit requires identification in the site map of all potential pollutant-generating activities identified in Part 6.3(9). The requirement to describe in the SWPPP and identify the locations of all pollutant-generating activities on the site map will provide operators with an understanding of how the location of their various pollutant-generating activities will correspond to the areas of disturbance at the site, the potential impacts of where these activities are located on the discharge pollutants, and the ideal locations for stormwater control measures to reduce or eliminate such discharges. This information will be used to comply with the pollution prevention requirements in Part 3.5 of the CGP. Examples of pollutant-generating activities include, but are not limited to: paving operations; fueling and maintenance operations, concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

Part 6.3(6)(i)(m) – The requirement to locate all surface waters and any impaired or not-attaining waters or OAWs within 1/4 mile of the construction site compels permittees to develop an understanding of the location of any waters flowing through or near the property where the construction will take place. Requiring a visual showing these waters will provide permittees with information necessary to comply with the requirements for impaired or not-attaining waters and OAWs. Identifying the location of these waters on the site map will also help permittees comply with the erosion and sediment control requirements (Part 3.3), particularly those related to buffers, and pollution prevention requirements (Part 3.5).

Part 6.3(6)(j) – The requirement to map the flow of stormwater on the property will give operators an understanding of how stormwater moves onto, through, and from the property, which will in turn provide valuable information to assist with planning, designing, and installing the appropriate stormwater control measures necessary to meet the permit's requirements regarding erosion and sediment controls, pollution prevention, and stabilization.

Receiving Waters. Identifying all receiving waters, including any that are impaired, not-attaining, or OAWs, compels operators to develop an understanding of the location of any waters flowing through or near the property where the construction will take place. A visual showing of these waters will provide operators with information necessary to comply with the requirements for impaired and not-attaining waters and OAWs. Identifying the location of these waters on the site map will also help permittees comply with the erosion and sediment control requirements (Part 3.3), particularly those related to buffers, and pollution prevention requirements (Part 3.5).

Control Measures to be used During Construction Activity. Operators are required to provide in the SWPPP a description of their stormwater control measures used in compliance with Part 3.1 of the permit. For each major activity identified in Part 6.3, a specific list of requirements is included to document compliance with important erosion and sediment control requirements in Part 3.3 and to minimize or eliminate non-stormwater discharges.

Pollutants and Pollutant-generating Activities at the Site. Operators must identify in the SWPPP a list and description of all the pollutant-generating activities (*i.e., pollutant sources*) on the site and, for each pollutant-generating activity, an inventory of pollutants or pollutant constituents associated with that activity, which could be exposed to rainfall, or snowmelt, and could be discharged from the construction site. Examples of pollutant-generating activities include, but are not limited to: paving operations; concrete, paint and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities. Examples of pollutants include, but are not limited to: sediment, fertilizers, and/or pesticides, paints, solvents, fuels. Departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus must be documented in the SWPPP (see Part 3.5).

The operator should also evaluate where potential spills or leaks could occur that would contribute pollutants to stormwater discharges.

Non-Stormwater Discharges. The permit requires operators to create a list of all non-stormwater discharges expected to be associated with the project, from areas other than construction (*i.e., support activities including stormwater discharges from dedicated asphalt or concrete plants and any other non-construction pollutant sources such as fueling and maintenance operations, materials stored on-site, waste piles, equipment staging yards, etc.*). Documentation in the SWPPP of all non-stormwater discharges from the site provides operators with information that will help them to minimize pollutants in the non-stormwater discharges and to ensure that only allowable non-stormwater discharges occur. Allowable non-stormwater discharges are restricted to only those listed in Part 1.3(2) of the permit.

In addition, construction sites located within 1/4 mile upstream of an impaired or not-attaining water must identify sources of the pollutants of concern listed on the 303(d) list that may potentially be discharged from the construction site and describe in the SWPPP additional or enhanced control measures necessary to minimize discharges of these pollutants.

Documentation of all pollutants, potential pollutant sources and non-stormwater discharges will assist operators in understanding the potential sources of pollutants so that stormwater control measures can be located and designed in a way that best achieves the required reduction or elimination of the discharge of such pollutants. This requirement assists operators in determining the types of pollutants they should be concerned about, and provides them with sufficient information to comply with the permit's requirements on pollution prevention in Part 3.5 of the CGP.

Use of Treatment Chemicals. The permit requires operators to ensure proper documentation in the SWPPP regarding the presence and use of any polymers, flocculants, or other treatment chemicals at permitted sites. ADEQ encourages operators to think strategically about where the

chemicals are applied and stored to minimize the risk of accidental release. At a minimum, the SWPPP must include:

1. A justification for the need for such chemicals and an assessment of potential water quality impacts. The justification should include a description of how the use of conventional sediment and erosion pretreatment controls will minimize the need to apply treatment chemicals. The SWPPP must also include the specific controls and implementation procedures designed to ensure that the use of cationic treatment chemicals will not lead to a violation of surface water quality standards;
2. Specific personnel who will be conducting chemical treatments at the site should be properly trained on the storage and use of the specific cationic treatment chemicals and/or chemical treatment systems;
3. A listing of all treatment chemicals to be used at the site, and why the selection of these chemicals is suited to the soil, turbidity, pH, and flow rate characteristics of the site;
4. The dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage;
5. Information from any applicable Material Safety Data Sheets (MSDS);
6. Schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals; and
7. References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable specifications from the chemical provider or supplier regarding the use of the specific treatment chemicals and/or chemical treatment systems.

Pollution Prevention Procedures. The SWPPP must describe procedures that will be followed to prevent and respond to spills and leaks consistent with Part 3.5, including the following:

1. *Spill Prevention and Response Procedures*. Operators are required to include procedures in the SWPPP that will be followed to prevent and respond to spills and leaks consistent with Part 3.5.

   The existence of a Spill Prevention Control and Countermeasure (SPCC) plan developed for the construction activity under Part 311 of the CWA may be referenced, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that a copy of that other plan is kept onsite. However, even if a SPCC or other spill prevention plan already exists, the plans will only be considered adequate if they meet all of the requirements of this Part, either as part of the existing plan or supplemented as part of the SWPPP.

   The purpose for documenting spill prevention and response procedures is to provide the operator an opportunity to develop a response plan for preventing spills from occurring and, if they do occur, a plan for responding to them in order to minimize the potential discharge of any pollutants from the site.

2. *Waste Management Procedures*. The SWPPP must include procedures for handling and disposing of all wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

VI.4 Documentation Requirements including Permit Related Records (Part 6.4)

Most of the documentation requirements in this section of the permit were implemented in previous permits and are explained in detail in the 2020 CGP.

VI.5 SWPPP Updates and Revision Requirements (Part 6.5)

Maintaining an Updated SWPPP. SWPPPs must be revised whenever a change in design, construction method, operation, maintenance procedure, etc., may affect the discharge of pollutants to surface waters either directly or by way of a conveyance (such as an MS4). These records must include the name of the person authorizing each change (see Appendix B, Subsection 9), a brief summary of all changes and the dates of revisions. This is to ensure that there is a record of all of the changes to the SWPPP. Keeping a record of such changes will help construction site personnel to stay current with the changes that have been made to the SWPPP, and will allow inspectors to determine if appropriate revisions were made to the SWPPP under the required circumstances.

The SWPPP must also be amended if inspections or investigations by site staff or by local, state or federal officials determine that the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site.

All necessary revisions to the SWPPP must be made within 7 calendar days following the inspection. If control measures need to be modified or if additional measures are necessary, implementation must be completed consistent with Part 3.2 of the permit.

Conditions Requiring SWPPP Revision. Operators are required to modify the SWPPP, including the site map(s), in response to any of the conditions listed in Part 6.5(2) of the 2020 CGP. The requirement to maintain an up-to-date SWPPP under any of the seven listed conditions provides assurance that the SWPPP will be updated to accurately reflect the conditions on the construction site. It is important that the SWPPP be accurate in terms of changes to construction plans, stormwater controls, changes in operational control, and other important changes on the site, so that the site personnel have access to a SWPPP that is current, and so that inspectors are provided with accurate site information for compliance purposes.

Certification Requirements. All revisions made to the SWPPP consistent with Part 6.5(2) must be authorized, signed and dated by a person identified in the SWPPP and in accordance with Appendix B, Subsection 9. The certification requirements of Appendix B, Subsection 9 are consistent with standard NPDES permit conditions described in 40 CFR 122.22. These requirements are intended to ensure that the operator certifies any SWPPP revisions and understands their responsibility to create and maintain a complete and accurate SWPPP.

Permittees are allowed to appoint an authorized representative consistent with the regulations. Therefore, if an operator feels it is more appropriate for a member of the stormwater team to sign the documentation, that option is available under the permit. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information.

Required Notice to Other Operators. If an operator determines that a revision of the SWPPP is required and there are multiple operators covered by a common SWPPP under the permit, Part 6.5(4) requires operators to notify all other operators who may be impacted by the change to the SWPPP. This requirement ensures that any other operators covered by a joint SWPPP are kept up to date so they can comply with the revisions to the pollution prevention plan.

VI.6 Deficiencies in the SWPPP (Part 6.6)

If, at any time during the course of the construction project, ADEQ determines the SWPPP (either in whole or in part) is deficient, ADEQ will notify the operator of the deficiencies. ADEQ may become aware of deficiencies in the SWPPP through a variety of ways, including reviews of SWPPPs for project located within 1/4 mile upstream of an impaired or not-attaining water or OAW, a site inspection, or a reported complaint. The operator must revise the SWPPP in response to ADEQ's notice of deficiency within 15 calendar days.

VI.7 Posting, SWPPP Review and Making SWPPPs Available (Part 6.7)

Posting. The operator must post the authorization number(s) in a conspicuous location near the main entrance of the construction site and retain a copy of the authorization certificate in the SWPPP. For linear construction activities, the authorization number(s) must be posted near the

active part of the construction site *(e.g., where a pipeline project crosses a public road)*. New to the 2020 CGP, The operator must post the following statement with the authorization number: "For stormwater complaints, please visit www.azdeq.gov." Lettering must be 2" or greater.

Make the SWPPP Available. The SWPPP is critical to managing discharges from the project site, therefore, a current copy must be on-site whenever construction or support activities are actively underway. This will allow personnel the opportunity to reference the plan at any time to respond to changing site conditions, storm events, and other situations that may arise. At the time of an on-site inspection by ADEQ, a Federal, state, or local agency (such as the operator of a storm sewer system receiving discharges from the site), the operator must provide the SWPPP for review.

Arizona's Public Records laws (A.R.S Title 39, Chapters 1 and 2) allow access to an operator's SWPPP. If a member of the public wishes to have access to portions of the SWPPP, they must first contact ADEQ in writing. ADEQ will contact the operator and the SWPPP must be provided to ADEQ within 7 calendar days of ADEQ's request, or at an agreed upon time by the operator and ADEQ. The mechanism for providing ADEQ with a copy is at the discretion of the operator (*i.e., electronic or hard copy*). ADEQ will provide access to the SWPPP with the exception of any qualifying confidential information (as defined in A.R.S. § 49-205). The copy provided by the operator to ADEQ will remain with ADEQ. All photocopying expenses made from that copy are the responsibility of the person requesting the SWPPP.

Regarding inactive/unstaffed sites, the 2020 CGP makes allowances for the fact that SWPPPs are generally not kept at inactive and unstaffed sites. However, the SWPPP must still be kept up to date and be made available by the operator identified on the NOI when appropriate site inspections are conducted. Furthermore, the SWPPP must be locally available within the state of Arizona and made available within 48 hours, if requested, when a regulatory inspection is performed by ADEQ or other authority.

VI.8 Procedures for Inspection, Maintenance, and Corrective Action (Part 6.8)

The SWPPP must describe the procedures that will be followed for maintaining stormwater control measures ("general maintenance requirements" – Part 3.2), conducting site inspections (Part 4), and, where necessary, taking corrective actions (Part 5). The permit requires specific information to be included in the SWPPP. By documenting their procedures for inspections, maintenance activities, and corrective actions, operators demonstrate their compliance with the permit requirements corresponding to general maintenance, inspections and corrective actions.

VII. Monitoring (Part 7)

The provisions of Part 7 apply only to operators of construction sites with one or more outfalls within 1/4 mile upstream of an impaired, not-attaining or outstanding Arizona water (OAW), or as otherwise specified by ADEQ. Any portion of the construction site area that extends within this distance is subject to the requirements of this Part. ADEQ may notify the permittee, in writing, of additional discharge monitoring required to ensure protection of receiving water quality if it is determined that the pollutant may be causing or contributing to an exceedance of a water quality standard.

VII.1 Monitoring Program (Part 7.1)

Operators with construction sites with one or more outfalls within 1/4 mile upstream of an impaired, not-attaining or outstanding Arizona water (OAW), shall prepare and implement a monitoring program that meets the requirements of this Part. Sites can be exempted from monitoring if the operator provides a demonstration acceptable to ADEQ that there is no reasonable potential that construction activities will be an additional source of the specific pollutant for which the water is impaired, analytical monitoring for that parameter is not required. As part of this demonstration, the operator must consider all on-site activities and sources, as well as the potential for any pollutants (metals, nutrients, etc.) to be present in the on-site soils that will be disturbed.

The operator is only required to implement an analytical monitoring program for those areas of the construction site that discharge directly to or within 1/4 mile upstream of an OAW, impaired or not-attaining water. Analytical monitoring may be discontinued when construction activity within these areas is complete and final stabilization is achieved. For example, a linear project with several outfalls along its length may have only one point of discharge that is within the 1/4 mile distance. The operator is only required to monitor the one outfall that is within the 1/4 mile distance, until final stabilization is achieved in the area that drains to that outfall.

Based on the location of outfalls that the operator enters in the NOI in myDEQ, all applicable waters (impaired, not-attaining and OAWs) will be identified automatically for the operator, including the pollutants that must be monitored.

Operators of construction projects that discharge stormwater to an impaired or not-attaining waterbody must determine whether runoff from the proposed activity is expected to contain pollutants that cause the impairment of the waterbody. If so, control measures must be developed to minimize or eliminate the pollutant, and the pollutant causing the impairment must be monitored.

There may be potential for other pollutants on-site besides those causing the impairment, including metals, chlorine, oil, gasoline, pesticides, etc. Some of these pollutants may not be additions to the construction site, but may be in the on-site soils and prone to increased discharge during site disturbances (in particular metals and pesticides). The operator must consider all pollutants that may be on-site. Of course, operators are not expected to implement control measures for any pollutants that are not in the site soils, non-stormwater discharges, or transported to the site during any construction activity.

If an operator can make the demonstration that there is no reasonable expectation that construction activities would be an additional source of a specific pollutant or pollutants, then analytical monitoring for that/ those parameter(s) may not be required. As part of the demonstration, the operator must consider all on-site activities, as well as the potential for any pollutants (metals, nutrients, etc.) to be present in the on-site soils that will be disturbed.

VII.2 Sampling and Analysis Program (Part 7.2)

Analytical sampling and monitoring requirements in the permit are specified in the Sampling and Analysis Plan (SAP) section. The SAP describes, where applicable, chemical, biological, and

physical parameters that will be monitored, monitoring locations, frequency of sample collection, how samples will be collected and analyzed, tracking and handling. The sampling plan should include Standard Operating Procedures (SOPs) to ensure consistency in sample collection procedures. In addition, operators are expected to calibrate, operate and maintain their monitoring equipment in accordance with manufacturer's recommendations. Collectively, this document is known as a SAP and the one required by the permit is a very basic model commonly used by industry. The SAP must be retained as part of the SWPPP, either as a separate section or as an appendix. The 2020 CGP includes the specific requirements of the SAP contents and a template is available on the ADEQ website.

VII.3 Analytical Monitoring Requirements (Part 7.3)

Monitoring Schedule (when to sample). The climate throughout the state of Arizona is characterized as arid or semi-arid with irregular stormwater runoff. Most construction sites are subject to rainfall conditions that occur in fairly discrete periods throughout the year (i.e., the "winter wet season" and the "summer wet season"). In addition, some areas of the state experience freezing conditions that may prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the required monitoring and sample collection may be distributed during times when precipitation runoff, either as melting snow or rain mixed with melting snow, occurs.

The operator has the flexibility to sample during any storm event that produces a discharge, either as stormwater or snowmelt, which exits the construction site by way of an outfall in sufficient quantity to allow for sample collection and analysis.

Monitoring Locations (where to sample). The operator shall conduct analytical monitoring at outfalls observed or suspected to contain the greatest pollutant load resulting from construction activities. Table 7-1 in the permit explains the breakdown of samples required.

Analytical Monitoring Parameters (what to sample). For projects discharging to a waterbody listed as impaired or not-attaining, the operator must perform analytical monitoring (water quality sampling) for the parameters for which it is impaired.

Where the construction site is adjacent to or otherwise discharges directly to an OAW, the operator shall sample for turbidity both immediately upstream and downstream of each outfall. If the site discharges to the OAW at two or more locations, the operator may sample at one upstream outfall and the other at the farthest downstream outfall in the stream. The operator shall compare turbidity values from the two instream locations. If there is a 25% or greater increase at the downstream monitoring location, the operator shall evaluate and replace, maintain, or install additional control measures as necessary to minimize sediment discharge.

Sample Collection, Preservation, Tracking, Handling and Analysis (how to sample). The permit language for this Part is consistent with the 2020 MSGP and contains sufficient information for these topics in the permit. However, changes from previous permits are incorporated in the 2020 CGP, related to the discharge monitoring report (DMR). The DMR shall be submitted within 30 days after receiving laboratory results from a laboratory that is licensed by the Arizona Department of Health Service (ADHS) Office of Laboratory Licensure and Certification. This change allows ADEQ to evaluate the results and determine impacts of stormwater runoff into impaired, not-attaining or OAWs more efficiently.

VIII. Recordkeeping (Part 8)

VIII.1 Records (Part 8.1)

1. Address for Submittal of All Forms and Reports. All documents required by this permit (NOIs, SWPPPs, NOTs, and DMRs) shall be submitted, in electronic format, in myDEQ. Any other written correspondence, such as the Corrective Action Form shall be signed and dated in accordance with Appendix B, Subsection 9 of this permit and submitted to ADEQ at the address below:

   Arizona Department of Environmental Quality
   Surface Water Protection
   1110 W. Washington Street, Phoenix, AZ 85007

2. Record Retention. The operator shall retain records of all stormwater monitoring information, corrective actions, inspection and other reports with the SWPPP for a period of at least three years from the date the NOT was submitted to ADEQ.

IX. Appendices

IX.A Definitions and Acronyms (Appendix A)

Appendix A of the permit includes definitions of terms and a list of acronyms used throughout the permit.

IX.B Standard Permit Conditions (Appendix B)

Appendix B includes the standard AZPDES permit conditions, which are consistent with 40 CFR 122.41 and were also part of the 2003, 2008 and 2013 CGPs.

X. Applicable Forms

All forms briefly described below are available for download at www.azdeq.gov.

X.1 NOI Form

The operator must complete the NOI form in myDEQ before coverage under the 2020 CGP is authorized. See Parts 2.3 of the permit and Fact Sheet Part II.2.3 for more information about the intent and use of this form.

X.2 NOT Form

A Notice of Termination form submitted in myDEQ is required to terminate coverage under the 2020 CGP. See Part 2.6 of the permit and Fact Sheet Part II.2.6 for more information about the intent and use of this form.

X.3 Inspection Report Form

Operators are required to use the ADEQ-standardized form or one the operator creates. Regardless of which approach the operator takes, the inspection report form must provide consistent content and format that documents the results of each inspection. Based on stakeholder feedback of the 2020 CGP, this form will no longer include space for Corrective Actions

X.4 Discharge Monitoring Report Form

The purpose of submitting monitoring data is to document stormwater quality and identify potential water quality concerns to ADEQ. Monitoring data should be submitted using the discharge monitoring report (DMR) form that is provided by ADEQ in myDEQ.

X.5 Change of Operator Form (due to foreclosure or bankruptcy only)

The purpose of submitting this form is to notify ADEQ that a new operator has taken possession of a construction site. This form will be available on the ADEQ website at www.azdeq.gov.

X.6 Corrective Action Form

Based on stakeholder feedback, ADEQ has create a separate forms for Corrective Action and Inspections. The Corrective Action form will be available on the ADEQ website at ww.azdeq.gov.